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# Standing Committee on Procedural Affairs

## Report on Standing Orders and Procedure (No. 1)



2nd Session 32nd Parliament  
31 Elizabeth II









Ontario

LEGISLATIVE ASSEMBLY  
ASSEMBLÉE LÉGISLATIVE

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The Honourable John M. Turner, M.P.P.  
Speaker of the Legislative Assembly.

Sir,

Your Standing Committee on Procedural Affairs has the honour to present its  
Report and commends it to the House.

A handwritten signature in cursive script, reading "Geo. A. Kerr".

George A. Kerr, Q.C., M.P.P.  
Chairman

Queen's Park  
9 December 1982



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ANDY WATSON

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A. SMIRLE FORSYTH  
Clerk of the Committee

JOHN EICHMANIS  
Research Officer



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## I Introduction

On the 24th of April, 1981, your Committee received its Order of Reference\* which reads, in part, as follows:

That the following Standing Committees be established ... with power to examine and inquire into all such matters as may be referred to them by the House, with power to send for persons, papers and things, as provided in section 35 of the Legislative Assembly Act -- ... Standing Committee on Procedural Affairs ... appointed for this Parliament to review and report to the House its observations and opinions on the operation of the Standing Orders of the House, and such additional matters as may be referred to it by the House or from Mr. Speaker from time to time...

Pursuant to its Order of Reference, the Committee has reviewed the Standing Orders of the House and the Legislative Assembly Act as they apply to Private Bill procedure, witnesses before legislative committees and a number of miscellaneous but nevertheless important matters. Certain of these recommendations require amendments to the Legislative Assembly Act while the changes relating to the regulation of the procedures of the House will require amendments to the Standing Orders.

Reviews of the laws of Parliament and the procedures which govern the machinery of Parliament are being conducted in almost every jurisdiction across the country in response to the need for legislatures to answer the demands on the time of the House and to changing conditions in our society. Your Committee has noted with particular interest the work of the Special Committee of the House of Commons and will be following the work of this Committee closely.

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\* See Appendix A for full text of Order of Reference.

The procedures governing the operation of the House consist of ancient practices which the Parliament of Ontario has inherited from the Parliament at Westminster and procedures which have emerged to deal with changing circumstances. As Erskine May states in the 19th Edition of Parliamentary Practice, "Modern procedure has thus the appearance of several layers belonging to different historical periods superimposed one above the other, with considerable portions of the earliest and deepest layers still showing through to the surface."

It is essential that the rules of procedure of the House be such that the House is able to operate both effectively and fairly; that the ancient practice of the House which protects the rights of the minority be reconciled with the ability of the Government to secure its business; that the rights of individual members to be heard be preserved and protected; and that the House be able to require the Government to account for its financial and administrative policies.

The reform of the procedures of the House is an ongoing process. Any reforms must be achieved on the basis of compromise and consensus amongst all Parties in the House. It is on this basis that the Standing Committee on Procedural Affairs has operated and will continue to operate. Your Committee will continue its review of the procedures of the House in February, 1983. As part of its continuing review, the Committee will be considering changes involving the Supply process and the committee system, time limits on debate, the Parliamentary calendar and the role of the private member. On these and other matters, the Committee will be consulting with each member of the House and with the public to determine their opinions on the operation of the House and suggestions for change.

Your Committee has unanimously agreed to the proposals contained in this Report. A number of the recommendations deal with matters on which the House has not previously expressed itself in a precise way. These recommendations are put forward to establish a regular and uniform procedure to be followed in the House and its committees. In a situation



where no rules exist to guide members, one might accept the words of Hatsell that "It is more material that there should be a rule to go by than what that rule is". In the end, as with the changes which the Committee and its predecessors have already recommended and upon which the House has not acted, the responsibility for implementing the recommendations rests with the House. In view of the importance which it places on the proposals contained in this Report, your Committee recommends that the House give priority to the implementation of the recommendations, preferably during this Session.

## II Private Bills

In December, 1981, your Committee presented a report to the House dealing with Private Bill procedures. No action was taken by the House on this Report.

The Committee has reviewed its previous recommendations and wishes to bring them before the House once again. These recommendations are intended to clarify and to simplify certain of the procedures relating to Private Bills.

In June, 1980, this Committee's predecessor committee presented a report to the House entitled "Proposals for a New Committee System". At page 12 of the Report, the Committee proposed that a Private Bills Committee be re-established. Since the Private Bills Committee was abolished, all Private Bills have been referred to the appropriate policy field committee for consideration after First Reading. This practice has meant that Private Bills must compete with public bills, Estimates and special studies for the time available to the committees. As a result, these bills do not always receive proper scrutiny, members are not developing the expertise necessary to deal adequately with Private Bills, and, in recent years, many Private Bills have lapsed on the Prorogation of the Session because time did not permit the committee to which they were referred to consider them.

Recently, an effort has been made to refer all Private Bills from the policy field committees to the Standing Committee on Regulations and Other Statutory Instruments in an effort to provide some relief to the policy field committees from their very heavy workloads. This procedure seems to be working well and does not interfere with the other responsibilities given to the Committee by the House.

Your Committee therefore recommends that:



All Private Bills be referred to the Standing Committee on Regulations and Other Statutory Instruments and that such committee shall from time to time report to the Assembly its observations, opinions and recommendations on procedures relating to Private Bills.

The Committee has reviewed the current Standing Orders relating to Private Bills and recommends that,

Part IX of the Standing Orders be revoked and the following substituted therefor:

#### XI. PRIVATE BILLS

65. (a) Any person, group or corporation may make an application for a Private Bill by filing with the Clerk of the House,
- (i) a copy of the Bill,
  - (ii) a fee of \$150; and
  - (iii) a declaration proving publication of the notices referred to in clause (e).

#### Reason

Standing Order 65(a) now reads:

65. (a) Any person, group or corporation may apply for a Private Bill by filing with the Clerk of the House a copy of the Bill together with a fee of \$150.00.

The proposed amendment would clarify the application procedure for Private Bills. The Committee considered an increase in the application fee. This fee has not been increased since 1929 and does not reflect the administrative costs related to the processing of such legislation. However, at this time, your Committee is not prepared to recommend an increase in the application fee. The Committee is of the opinion that this matter should be given careful consideration by the Committee to which it proposes that all Private Bills be referred.

65. (b) Every applicant for a Private Bill shall pay,
- (i) the cost of printing the Bill;
  - (ii) the cost of reprinting the Bill if it is amended; and
  - (iii) the cost of printing the Act in the annual Statutes.

Reason

Standing Order 65(b) now reads:

(b) Every applicant for a Private Bill shall pay the cost of printing the Bill, including the cost of printing the Act in the annual Statutes.

The purpose of this amendment is to clarify for the Applicant the printing costs associated with Private Bill applications.

65. (c) Where, at the request of the applicant, a Standing Order is suspended with reference to a Private Bill, a charge of \$50 shall be levied.

Reason

Standing Order 65(c) reads:

(c) Where a Standing Order is suspended with reference to a Bill, a charge of \$50.00 shall be levied.

This amendment restricts the imposition of a \$50.00 charge to those instances where a Standing Order is suspended at the request of an Applicant.

The current Standing Orders 65(d) and (e), relating to additional fees for Private Bills proposing to increase the capital stock of a company, etc., are deleted. These provisions are considered to be obsolete.



65. (d) Where a Private Bill relates to a charitable organization within the meaning of the Income Tax Act (Canada), the Committee considering the Bill may recommend that the fee paid under clause (a) be remitted and, if the recommendation is approved by the House, the remitted fee shall be applied to reduce any costs payable under clause (b) and the Committee may, having regard to the circumstances, recommend that all or part of the costs payable under clause (b) be waived and, if the recommendation is approved by the House, the costs shall be waived.

### Reason

This is a new provision which clearly sets out in the Standing Orders the existing practice of the House for the remission of fees. Provision is also made for the waiver of all or part of the printing costs if the Committee is of the opinion that exceptional circumstances exist which would warrant the waiver of such costs.

The current Standing Order 65(f) is deleted. The Committee is of the opinion that the costs involved in printing the Standing Orders respecting applications for Private Bills each week in The Ontario Gazette outweigh any benefit derived from such notice.

65. (e) Notice of an application for a Private Bill shall be given before it is read a first time by publishing the notice once a week for at least four weeks in each of The Ontario Gazette and one newspaper circulated in the municipality most affected and the notice shall,

- (i) be signed by or on behalf of the applicant;
- (ii) clearly state the nature and object of the application;
- (iii) when the application refers to any proposed work, indicate generally the location of the work;
- (iv) where the application is by a municipal corporation for authority to issue debentures, set out the

particulars of the existing debenture debt and the amount of the rateable property of the municipality according to the last revised assessment roll of the corporation and in brief and general terms, the object for which the new issue of debentures is required; and

- (v) state that persons wishing to be heard by the Standing Committee considering the Bill should notify the Clerk of the Legislative Assembly.

### Reason

Standing Order 65. (g) now reads:

65. (g) Notice of an application for a Private Bill shall be given before it is referred to a Standing Committee by publishing it once a week for at least four weeks in each of The Ontario Gazette and one newspaper circulated in the municipality most affected and the notice shall,

- (i) be signed by or on behalf of the applicant;
- (ii) clearly state the nature and object of the application;
- (iii) when the application refers to any proposed work, indicate generally the location of the work; and
- (iv) where the application is by a municipal corporation for authority to issue debentures, set out the particulars of the existing debenture debt and the amount of the rateable property of the municipality according to the last revised assessment roll of the corporation and in brief and general terms, the object for which the new issue of debentures is required.

This amendment provides that notice of an application for a Private Bill must be given before the Bill is introduced and read a first time. The amendment also provides that advertisements must contain notice of the right of interested parties to be heard. Your Committee believes that it is



important that a committee considering a Private Bill hear all parties interested in a particular Private Bill and that all such parties should be advised when an Applicant is giving notice of its intent to apply for private legislation of the opportunity to be heard by the committee when it considers the Bill.

**65. (f) Notice of an application for a Private Bill is valid for the calendar year in which the last notice is published and until the 1st day of July in the next following calendar year.**

Reason

This is a new provision which defines the period during which the notice of an application for a Private Bill is valid.

**65. (g) Where,**

- (i) an application for a Private Bill is made during a Session but the Bill is not read a first time; or**
- (ii) a Private Bill is read a first time but is not considered by a Standing Committee before dissolution or prorogation,**

**the application shall be considered during the next regular Session of the House without publishing further notice of the application and without payment of additional fees under clause (a).**

Reason

This is a new provision to deal with the problems associated with the carrying-over of applications from one Parliament to another or one Session to another. At the present time, a special Order of the House is required at the beginning of each Session to resolve such problems.

66. The Clerk of the House shall refer to the Standing Committee on Procedural Affairs any application that, in his opinion, does not comply with the Standing Orders.

This proposed Standing Order is the same as the current Standing Order 66(b).

67. When any Private Bill confirming any letters patent or agreement is presented to the House, a copy of the letters patent or agreement shall be included in the Bill.

This proposed Standing Order is the same as the current Standing Order 67 with some minor changes in the wording.

68. No Private Bill relating to the status of a corporation shall be considered by a Standing Committee until there has been deposited with the Clerk of the House a certificate of the Minister of Revenue showing that all taxes payable under the Corporations Tax Act in respect of the corporation have been paid.

This proposed Standing Order is the same as the current Standing Order 68 with some minor changes in the wording.

69. Every Private Bill when read a first time, shall, unless it is an Estate Bill or a Bill providing for a consolidation of a floating debt or for the consolidation or renewal of debentures, other than local improvement debentures, of a municipal corporation, stand referred to a Standing Committee and all Petitions and correspondence to the House for or against the Bill stand referred to the Committee.

This Standing Order is the same as the current Standing Order 69 with some minor changes in the wording.



70. (a) Every Private Bill or part of a Bill of a municipal corporation providing for the consolidation of a floating debt or the consolidation or renewal of debentures, other than local improvement debentures, stands referred to the Ontario Municipal Board after first reading.

(b) The Board, after due enquiry, shall report to the House whether or not it is reasonable that the Bill, or the part thereof relating to the matters referred to in clause (a), should pass and what, if any, alterations are necessary.

(c) A report of the Ontario Municipal Board shall be transmitted to the Clerk of the House.

(d) The Bill and report shall stand referred to a Standing Committee.

#### Reason

This provision is similar to the current Standing Order 70 except that it is proposed that a part of a Private Bill relating to certain municipal applications may be referred to the Ontario Municipal Board. This reflects changes which were made in 1980 to the current Standing Order 71 dealing with Estate Bills.

71. (a) Every Estate Bill or part of a Bill that contains an Estate Bill provision stands referred to the Commissioners of Estate Bills after first reading.

(b) The Commissioners of Estate Bills, or any two of them, shall report their opinion on the Bill or the part thereof that has been submitted to them and whether, presuming the allegations contained in the Preamble to be proven to the satisfaction of the House, it is reasonable for the Bill or the part thereof to pass and what, if any, alterations are necessary.

(c) A report of the Commissioners of Estate Bills shall be transmitted to the Clerk of the House.

(d) Where the Commissioners of Estate Bills report that, in their opinion, it is not reasonable that the Bill or the part thereof submitted to them pass into law, the Bill or the part thereof shall not be further considered.

(e) Where the Bill or the part thereof submitted to the Commissioners of Estate Bills is reported favourably by the Commissioners, the Bill and the report shall stand referred to a Standing Committee and where only part of a Bill is submitted to the Commissioners and the Commissioners report that, in their opinion, it is not reasonable that the part pass into law, the Bill shall stand referred to a Standing Committee and the Committee shall amend the Bill by deleting therefrom the part to which the report relates.

#### Reason

This provision is similar to the current Standing Order 71 except that subsection 71(e) requires a Committee to amend a Private Bill to reflect a recommendation of the Commissioners of Estate Bills that a part of the Bill not pass into law. The current practice provides, in effect, that the Commissioners' Report amends the Bill.

**72. The Clerk of the House shall post on all notice boards five calendar days notice of the date on which any Private Bill is to be considered by a Committee and the notice shall be published in the Notice Paper.**

#### Reason

The word "calendar" is inserted to clarify that the notice period relates to calendar days and to reflect current practice.



**73. Any person whose interest or property may be affected by a Private Bill, when required, shall appear before the Committee considering the Bill to express his consent or objection, or may consent in writing, proof of which may be demanded by the Committee.**

This Standing Order is the same as the current Standing Order 73.

**74. Private Bills when reported by a Standing Committee shall be placed on the Order Paper for second reading.**

This Standing Order is the same as the current Standing Order 74.

The current Standing Order 75 is deleted from Part IX and a similar provision is later proposed to be inserted in Part XIV of the Standing Orders.

**75. Private Bills amended by a Committee may be reprinted before further consideration, as the Clerk of the House may direct.**

#### Reason

This provision is similar to the current Standing Order 76 except that the reference to Bills amended by the Commissioners of Estate Bills is removed in accordance with the provision in new Standing Order 71(e). Reference to the cost of reprinting a Bill is removed and is contained in new Standing Order 65(b).

**76. Private Bills, after second reading, shall be ordered for third reading, unless specially ordered referred to the Committee of the Whole House.**

This Standing Order is the same as the current Standing Order 77.

77. Except when waived by unanimous consent of the House, notice is required for a motion to dispense with any Standing Order relating to Private Bills.

Reason

This Standing Order sets out in more precise terms the requirement of notice to dispense with any Standing Order relating to Private Bills (see current Standing Order 78).

78. A Private Bill Register shall be kept in the office of the Clerk of the House, in which shall be entered, by the Clerk appointed for that purpose, the name, description, and place of residence of the parties applying for the Bill, or of their agent, and all the proceedings thereon, such register to be open to public inspection daily, during office hours.

This Standing Order is the same as the current Standing Order 79.

79. (a) Every Parliamentary Agent conducting proceedings before the House is personally responsible to the House and to the Speaker for the observance of the Standing Orders and Practices of Parliament, and also for the payment of all fees and charges.

(b) Any Parliamentary Agent who wilfully acts in violation of the Standing Orders and Practices of Parliament, or who wilfully misconducts himself in prosecuting any proceedings before the House, is liable to an absolute or temporary prohibition to practise as a Parliamentary Agent, at the pleasure of the Speaker.

This Standing Order is the same as the current Standing Order 80.

To provide for a transition period between the adoption of the proposed Standing Orders and the date on which the provision with respect to notice takes effect, your Committee recommends that,

**Notwithstanding the adoption of the preceding recommendations, where the first notice of an application for a Private Bill is published before the 1st day of February, 1983, Standing Order 65(e)(v) shall not apply to any such application.**

The Committee has recommended that the Standing Order requiring the Clerk of the House to publish weekly in The Ontario Gazette the Standing Orders respecting applications for Private Bills be deleted. In its place the Committee recommends that the Clerk of the House publish a notice advising the public that copies of the rules respecting Private Bill applications are available from his Office.

Your Committee therefore recommends:

**That the Clerk of the House publish weekly in The Ontario Gazette the following notice:**

**APPLICATIONS TO PARLIAMENT  
PRIVATE BILLS**

**PUBLIC NOTICE**

**The rules of procedure and the fees and costs related to applications for Private Bills are set out in the Standing Orders of the Legislative Assembly. Copies of the Standing Orders may be obtained from:**

**The Office of the Clerk of the Legislative Assembly  
Room 110, Legislative Building  
Queen's Park  
Toronto, Ontario  
M7A 1A2**

**Telephone: 416/965-1406**



Applicants should note that consideration of applications for Private Bills that are received after the 1st day of September in any calendar year may be postponed until the first regular Session in the next following calendar year.

The Committee has proposed that the current Standing Order 75 be deleted from Part IX and be included under Part XIV of the Standing Orders. This would clearly set out the procedure to be followed in all committees of the House and would reflect the established practice in committees.

Your Committee therefore recommends:

That the Standing Orders be amended by adding thereto the following Standing Order:

86a. (a) The Chairman of a Committee considering a Bill shall initial each section of the Bill as it is passed and sign the Bill.

(b) Amendments shall be clearly indicated in the signed copy and the amendments or additions shall be initialled by the Chairman.

### III Witnesses Before Legislative Committees

On Tuesday, the 3rd of June, 1980, this Committee's predecessor committee presented a report on Witnesses before Committees to the House. In the conclusion to its Report, the Committee stated:

It is the Committee's hope that this report has established how important it is that the Legislature take steps to pay more attention to witnesses before committees and to clarify their position. Even the brief review presented here should serve to demonstrate the complexity of this issue and the need for a thorough, thoughtful evaluation of the entire subject.

Accordingly, the Committee recommends that:

Pursuant to section 2(1)(d) of the Ontario Law Reform Commission Act, the Attorney General refer the matter of witnesses before legislative committees to the Ontario Law Reform Commission for study and recommendation.

On the 5th of June, 1980, the Attorney General referred this subject to the Ontario Law Reform Commission and requested the Commission to conduct a thorough review of the matter. The report of the Ontario Law Reform Commission was tabled in the Assembly by the Attorney General on the 26th of October, 1981.

The Committee met to review the Report of the Commission on the 22nd and 29th of April, the 13th and 20th of May and the 17th of June, 1982. During its hearings, the Committee heard evidence from Roderick Lewis, Q.C., Clerk of the Legislative Assembly; Arthur N. Stone, Q.C., Senior Legislative Counsel, Ministry of the Attorney General; John Cavarzan, Q.C., Director, Constitutional Law Branch, Ministry of the Attorney General; Dr. Derek Mendes da Costa, Q.C., Chairman, Ontario Law Reform Commission; and Melvin A. Springman, Senior Legal Research Officer, Ontario Law Reform Commission. The Committee wishes to express its appreciation to these witnesses for their valuable assistance during the

Committee's hearings on this matter. In particular, the Committee wishes to acknowledge the assistance of the Senior Legislative Counsel and the Clerk and Researcher to the Committee in the preparation of this Report.

The Report of the Ontario Law Reform Commission is a thorough and extremely valuable review of the rights and obligations of witnesses before committees of the Legislature. The Committee commends it to all members of the House.

The Committee considered the recommendations and conclusions of the Ontario Law Reform Commission and wishes to divide its recommendations into two areas -- those matters which require amendments to the Legislative Assembly Act and those matters which are to be adopted by the Assembly as Practices of the Assembly.

# 1. Recommendations Requiring Amendments to the Legislative Assembly Act

## (a) Procedure to Obtain a Speaker's Warrant

Where a person is called to appear before a legislative committee and refuses to attend the committee proceedings or where a committee requires the production of certain papers or things and such papers and things are not produced, section 35(2) of the Legislative Assembly Act may be invoked requiring attendance or production of papers and things. Section 35(2) of the Act provides:

35. (2) When the Assembly requires the attendance of a person before the Assembly or a committee thereof, the Speaker may issue his warrant directed to the person named in the order of the Assembly requiring his attendance before the Assembly or committee and the production of the papers and things as ordered.

This section requires the Assembly to make an order before the Speaker may issue his warrant. There are instances where the Speaker has been approached directly by a committee without the committee reporting to the Assembly and obtaining an order. This power has been given to Select



Committees in their terms of reference and to Standing Committees sitting during the Summer Adjournment or the Recess between Sessions. As the Ontario Law Reform Commission has noted, the "fact that legislative committees increasingly hold hearings between sessions, when the Assembly is not sitting, has made the direct issuance of a Speaker's warrant a practical requirement."

The Ontario Law Reform Commission proposed a procedure which would have permitted direct access to the Speaker by committees while preserving the role of the Assembly where its views were needed. However, after having given careful consideration to the recommendations of the Commission, your Committee recommends that the Legislative Assembly Act be amended to provide that a legislative committee is entitled to approach the Speaker directly for a warrant compelling the attendance of such witnesses or the production of such papers and things as the committee considers necessary for its proceedings or deliberations. The Committee adopts the Commission's statement that "(o)ne must not lose sight of the fact that committees are creatures of the Assembly, responsible to it, and are not independent entities exercising complete unfettered control over their own affairs; consequently, it ought not to be presumed that they have abused or would abuse their power to demand that persons appear before them."

Accordingly, your Committee recommends that:

Section 35 of the Legislative Assembly Act be repealed and the following substituted therefor:

35. (1) The Assembly may, by warrant of the Speaker, command and compel the attendance before the Assembly of such persons and the production of such papers and things as the Assembly considers necessary for any of its proceedings or deliberations.

(2) A committee of the Assembly may, by summons, require the attendance of such persons and the production of such papers and things as the committee considers necessary for its proceedings or deliberations.

(3) Upon the request of a committee and where it appears that a person summoned refuses or fails to attend or to give evidence or produce papers or things, the Speaker may issue his warrant requiring such attendances and productions as were required by the summons and to give such evidence as is required by the committee.

Certain steps would be required to be taken by a committee before the Speaker could issue his warrant. The procedure would be for a committee to instruct the clerk of a committee to telephone or write to a witness to request that he appear before the committee at a stated time and place and, if necessary, to bring with him any documents in his possession relating to the matter with which the committee has been charged by the House. Should a person not reply to the invitation of the clerk of the committee to appear, or refuse to appear or to produce the documents requested, the committee would issue a summons requiring the attendance of such persons and the production of such papers and things as the committee considered necessary for its proceedings or deliberations. If the person summoned refused or failed to attend or to give evidence or to produce papers or things, the committee could then request that the Speaker issue his warrant to require such attendances and productions as were required by the summons and to give such evidence as is required by the committee.

(b) Use of a Witness's Evidence at Subsequent Proceedings

The Commission examined in some detail the use of a committee witness's evidence at subsequent civil or criminal proceedings. The Legislative Assembly Act is silent as to the privileges which attach to the use of evidence given by witnesses before committees of the House and no other statute or any Standing Order deals with the subject matter.

The summoning of witnesses is essential to the legislative process and the functioning of the committees of the House would be substantially impaired if witnesses could not speak freely without fear of legal consequences. It is also of critical importance to note that at common law, witnesses in proceedings before committees of the House have no right to refuse to answer a question on the grounds of self-incrimination.

The Commission states that "(c)ommittee witnesses...may be in the invidious position of first being compelled to answer incriminating questions on pain of committal for contempt by the Legislative Assembly, and then having their evidence used against them in subsequent criminal or civil proceedings if the Assembly waives the common law privilege and gives its consent to such use."

The Commission concluded that in the absence of any statutory provisions, the precise scope of the protection available to committee witnesses is unclear in some respects. To resolve this uncertainty, the Commission recommended the enactment of express legislation protecting witnesses in respect of the use of their evidence before a legislative committee at subsequent judicial proceedings. The Commission stated:

...we recommend that a witness who gives evidence at any legislative committee proceedings--whether such evidence is given orally, by way of affidavit, by the provision of documents, or otherwise--should have the right not to have any evidence so given used against that witness in any subsequent proceeding, except in a prosecution for perjury or for the giving of contradictory evidence. This protection should be accorded automatically to all witnesses, whether they "appeared of their own volition", "appeared at the request of the committee" or "were summoned to appear by Speaker's warrant", and whether they gave evidence by means of the proposed affirmation or not.

Accordingly, your Committee recommends that:

**The Legislative Assembly Act be amended by adding the following new section:**

**35a. Evidence given by a person before the Assembly or a committee thereof shall not be used or receivable in evidence against the person in any civil proceeding.**



At the present time, evidence given before the Assembly or a committee of the Assembly cannot be used in a criminal proceeding. The amendment proposed to the Legislative Assembly Act does not mention or affect criminal proceedings because specific federal legislation protecting witnesses against the use of their evidence in any subsequent criminal proceedings is fixed by the Constitution Act, 1982.

(c) Jurisdiction of the Assembly concerning Breaches of Privilege or Contempt

The Ontario Law Reform Commission proposed that the Assembly continue to have authority to impose penal sanctions as outlined in section 45(1) of the Legislative Assembly Act. However, the Commission was of the view that several additional offences could be enumerated. The Committee concurs with the Commission and recommends that the following offences be incorporated in an amended Legislative Assembly Act.

Your Committee recommends that:

Subsection 45(1) of the Legislative Assembly Act be amended by adding thereto the following paragraphs:

- 7a. Escaping from custody, after having been apprehended pursuant to a Speaker's warrant.
- 7b. Knowingly attempting to dissuade or prevent a person from obeying a Speaker's warrant or a summons of a committee to appear before it.
- 7c. Causing, inflicting or procuring any violence, punishment, damage, loss or disability on or to a person because of his having appeared as a witness or because of any evidence lawfully given by him.
- 7d. Making public any part of the proceedings of a committee that the committee has ordered not be made public.

Under section 45(2) of the Act, the Assembly is given the following powers:

45. (2) For the purposes of this Act, the Assembly possesses all the powers and jurisdiction necessary or expedient for inquiring into, adjudging and pronouncing upon the commission or doing of the acts, matters or things mentioned in subsection (1) and for awarding and carrying into execution the punishment thereof.

This subsection, however, does not permit the Assembly the discretion to vary, suspend or cancel any order or punishment. Your Committee concurs with the Ontario Law Reform Commission that this additional power should be added under this section.

Your Committee therefore recommends that:

**Subsection 45(2) of the Legislative Assembly Act be amended by inserting after "execution" in the fifth line "and varying, suspending or cancelling".**

Section 46 of the Act provides that:

46. Every person who, upon such inquiry, is found to have committed or done any of the acts, matters or things mentioned in section 45, in addition to any other penalty or punishment to which he may by law be subject, is liable to imprisonment for such time during the session of the Legislature then being held as is determined by the Assembly.

The present wording of this section permits only one form of punishment, namely imprisonment. Your Committee is of the opinion that this is too restrictive and is not always appropriate, since in some instances a fine would be a fairer punishment than imprisonment.

Accordingly, your Committee recommends that:

Section 46 of the said Legislative Assembly Act be amended by inserting after "liable" in the fourth line "to such fine or".

(d) Oaths and Affirmations

For the purpose of examining a witness under oath, section 58 of the Legislative Assembly Act provides that "the chairman or any member of the committee may administer the oath...". In practice, it is the clerks of the committees who administer oaths. The authority for the clerks to do so is found in section 3(1) of the Evidence Act which states:

3. (1) Where by any Act of the Legislature or order of the Assembly an oath is authorized or directed to be administered, the oath may be administered by any person authorized to take affidavits in Ontario.

Clerks of the committees have been appointed Commissioners for Taking Affidavits and may, therefore, administer oaths to witnesses appearing before committees of the House. It should also be noted that the Evidence Act permits the use of an affirmation or declaration by a witness in lieu of an oath.

The Committee, therefore, proposes that section 58 of the Legislative Assembly Act be amended to provide that in addition to the chairman and any member of a committee, the clerk of a committee should be authorized to administer oaths and affirmations.

The Committee also proposes that the form of the oath be replaced with a new form of an oath and an affirmation. The proposed wording of both the oath and the affirmation is intended to specifically draw the attention of a witness to the fact that the witness has an obligation to speak the truth and not to mislead a committee.



Your Committee, therefore, recommends that:

Section 58 of the Legislative Assembly Act be amended by striking out "may administer the oath in Form 1" in the sixth line and inserting in lieu thereof "or the clerk of the committee may administer the oath in Form 1 or, in the case of an affirmation, the affirmation in the Form 1A".

Your Committee further recommends that:

Form 1 of the Legislative Assembly Act be repealed and the following substituted therefor:

FORM 1  
(Section 58)

OATH OF WITNESS

The evidence you shall give to this Committee shall be the truth, the whole truth, and nothing but the truth, well knowing that it is a serious offence to give false evidence with intent to mislead the Committee. So help you God.

FORM 1A  
(Section 58)

AFFIRMATION OF WITNESS

I solemnly affirm that I will tell the truth, the whole truth, and nothing but the truth, well knowing that it is a serious offence to give false evidence with intent to mislead the Committee.

2. Matters to be included in an Appendix to the Standing Orders  
Detailing Practices that the Assembly has Adopted

Your Committee considered a number of recommendations made by the Ontario Law Reform Commission with respect to witnesses before legislative committees. The Committee considered several options for implementing these recommendations - should they be included in the Legislative Assembly Act, should they be included in the Standing Orders, or should they form the basis of a manual of practices appended to the Standing Orders?

Consideration was given to these options by a sub-committee of the Committee and the Committee itself subsequently dealt with them. The Committee is of the opinion that the following points should constitute the basis of a manual of practices that would be appended to the Standing Orders. These practices lack the official status of Standing Orders of the Assembly but do offer official guidance to members on how the business of the committees of the Assembly should be conducted.

Accordingly, your Committee recommends that:

**The Legislative Assembly publish as an Appendix to the Standing Orders the following collection of practices that the Assembly has adopted.**

The first matter is the question of how various types of witnesses should be treated by the Assembly and its committees. Your Committee concurred with the Ontario Law Reform Commission's view that all witnesses whether they be ordinary citizens, civil servants or Ministers of the Crown, should, as a matter of law, be treated the same and that no special privileges exist for civil servants or Ministers of the Crown.

Your Committee therefore recommends the adoption of the following practices:

As a matter of law all witnesses, including civil servants, public servants and ministers of the crown, have the same rights and obligations irrespective of the circumstances under which they appear.

All witnesses are subject to the provisions of the Legislative Assembly Act.

Civil servants who have taken the oath of secrecy pursuant to the Public Service Act cannot excuse themselves from answering questions on legal grounds, though as a practical matter a committee may take into account the convention of ministerial responsibility in pursuing a policy question with a civil servant.

The question of whether a witness has a right to counsel was raised by the Commission. The Commission recommended that this right be recognized in the Legislative Assembly Act. After careful consideration, your Committee is of the opinion that it cannot follow the Commission's recommendation. While the Committee recognizes that circumstances may occur that will necessitate a witness seeking the aid of counsel, the right of counsel enshrined in the Legislative Assembly Act may create difficulties that could turn a committee of the legislature into a court. This would particularly be the case if the counsel himself were to determine his own role before a committee. Consequently, your Committee is of the view that a committee of the legislature should have the discretion to deal with the question of counsel and the role of counsel.

Your Committee, therefore, recommends the adoption of the following practices:

It is customary for a committee to give permission to a witness to have counsel present at a committee proceeding.

The committee has complete discretion in determining what role counsel will play in any committee proceeding.



Further to the question of the role of counsel, your Committee is of the opinion that the following practices should govern the role of counsel with respect to the cross-examination of witnesses:

Counsel does not have an automatic right to cross-examine any witness.

A committee may, in its absolute discretion, offer counsel the opportunity to cross-examine; that opportunity may be withdrawn by the committee at any time.

It may be appropriate for a committee to offer counsel an opportunity to cross-examine when the committee is of the view that a witness has had his or her rights or reputation placed in jeopardy or when the witness's conduct has been called into question.

With respect to the power of a committee to examine a witness under oath, the Ontario Law Reform Commission recommended that legislative committees exercise discretion when requiring a witness to give evidence under oath or by a solemn affirmation or declaration.

Your Committee, therefore, recommends the adoption of the following practices:

Pursuant to section 58 of the Legislative Assembly Act, a committee has the power to examine a witness on oath or affirmation.

The affirmation may be taken when the witness objects to the oath on the grounds of religious beliefs or scruples, or when the witness is incompetent to judge the meaning of the oath.

It is within the discretion of a committee to determine whether or not evidence shall be taken on oath or affirmation.

A committee may require a witness to give evidence on oath or affirmation when the rights or reputation of an individual are involved or when the propriety of an individual's conduct has been called into question.

The oath and affirmation are provided below.

### OATH OF WITNESS

The evidence you shall give to this Committee shall be the truth, the whole truth, and nothing but the truth, well knowing that it is a serious offence to give false evidence with intent to mislead the Committee. So help you God.

### AFFIRMATION OF WITNESS

I solemnly affirm that I will tell the truth, the whole truth, and nothing but the truth, well knowing that it is a serious offence to give false evidence with intent to mislead the Committee.

In the matter of inviting, summoning, or compelling the attendance of a witness, the steps in the process are not always clearly understood by a witness or committee members. Your committee believes that the steps should be more clearly spelled out in a manual of practices appended to the Standing Orders.

Your Committee recommends the adoption of the following practices:

When a committee has decided that it requires the evidence of a person or the production of documents, it is customary for the committee to invite the person to appear or to request the production of such documents as are necessary for any of its proceedings or deliberations.

If a person fails to appear or to produce documents which a committee has requested, a committee may, on motion, require the attendance of a witness or the production of documents by a summons issued pursuant to section 35(2) of the Legislative Assembly Act.

Where a person after receiving a summons of a committee fails to attend or to give evidence or to produce the required documents, a committee may, on motion, request that the Speaker issue his Warrant pursuant to section 35(3) of the Legislative Assembly Act.

The matter of in camera hearings was raised by the Ontario Law Reform Commission. The Commission recommended that such hearings be open to the public subject to certain qualifications. The Commission recommended that when a matter which is before a committee is sub-judice, such hearings should be held in camera and the evidence released only after the matter has been resolved by the courts. The Commission also recommended that when for good cause a witness asks that a committee hear the witness's evidence in camera, the Committee should likewise conduct its hearings in camera. Your Committee feels that the Commission's recommendations in this matter are too restrictive. The Committee is of the opinion that the question of in camera hearings should be left to the discretion of the committee which should be guided by the following practices:

A committee will usually conduct its proceedings in open session; however, it has complete discretion in deciding whether it wishes to conduct its proceedings in camera.

A committee may hold its proceedings in camera when, for example, it feels that the evidence might or will tend to incriminate the witness, reflect prejudicially on the reputation, character or conduct of the witness or another party, involve a sensitive, privileged, confidential or classified matter, or where for any reason the committee is of the view that the public interest would be better served by holding the hearing in camera.

A committee may also wish to hold its proceedings in camera where the matter under consideration is the subject of a pending civil or criminal trial.



As for the publication of evidence that may be the subject of a pending civil or criminal trial, your Committee recommends that the matter be left to the discretion of the committee:

A committee may, on motion, restrict or prohibit the publication and circulation of evidence that may be the subject of a pending civil or criminal trial until after the civil or criminal proceedings, including possible appeals, have been concluded.

In its report, the Ontario Law Reform Commission recommended that an explanatory brochure be prepared for the use of prospective witnesses before committees of the Legislature and of members of the House sitting on such committees. The Commission suggested that witnesses requested or summoned to appear before a committee should be forwarded a copy of the brochure well enough in advance of appearance to afford the witnesses a reasonable opportunity to read and comprehend the material. The brochure would contain the following information:

- (1) a description of the procedures used in legislative committees;
- (2) the powers of committees and the method of examination;
- (3) the duties of a witness, including the duty to answer all questions and produce all documents, if insisted upon by the committee;
- (4) the rights of a witness, including the right to object to questions, to request an in camera hearing and to request that all or part of his evidence not be published, with the final decision resting with the committee;
- (5) when the oath or affirmation may be employed and the meaning of the oath and affirmation;
- (6) the statutory provision concerning failure to appear before a committee or to produce papers or things or to give false or misleading evidence; and
- (7) the role of counsel at a legislative committee hearing.

The Commission also recommended that copies of the brochure be made readily available at committee hearings.

Your Committee concurs with the recommendations of the Ontario Law Reform Commission in this regard. Accordingly, your Committee recommends that:

**The Clerk of the Legislative Assembly prepare an explanatory brochure for the use of members of committees and prospective witnesses outlining the role and powers of committees and the rights and duties of witnesses.**

#### IV Miscellaneous

During 1982, the Committee considered and reviewed a number of Standing Orders at the request or suggestion of members of the Assembly or of the Committee.

##### 1. Statements by the Ministry

Your Committee is of the opinion that statements made by Ministers should be as concise as possible and that such statements should be delivered to the Opposition Party Leaders, or their representatives, before the routine proceedings commence in the House. The Committee does not wish to propose a specific time by which the statements must be delivered. However, copies of a statement delivered before the routine proceedings would enable opposition spokesmen to be better prepared to put questions to ministers concerning such statements.

Your Committee recommends that Standing Order 26 be deleted and the following substituted therefor:

26. (a) Concise Statements may be made by Ministers relating to Government policy, ministry action and other similar matters of which the House should be informed.

(b) Two copies of each Ministerial statement shall be delivered to Opposition Party Leaders, or their representatives, before the routine proceedings commence in the House.

(c) After any policy statement the Minister shall table a compendium of background information.



## 2. Hansard

On a number of occasions, members have raised questions with respect to the provision of a full Hansard service for the proceedings of committees as opposed to a transcription of the proceedings of committees in the form which is distributed to Committee members after each meeting.

Standing Order 90 provides that a full Hansard service shall be provided for all committees considering Estimates. A tape recording only is made of all other standing committee proceedings unless a committee directs that a transcription be made of certain proceedings. The Standing Orders do not mention coverage of the proceedings in the Chamber.

In recent years, the proceedings of virtually every committee have been transcribed. The exceptions have been for hearings on private bills and when committees have met in camera. A full Hansard service has been provided for all committees considering Estimates and in cases where the House has deemed the matter to be of such importance that the committee proceedings should form part of Hansard (e.g. committee consideration of the Annual Report of the Workmen's Compensation Board and the hearings in the Riddell matter).

A maximum of 45 transcripts are available for distribution by the Clerk of a committee to the members of a committee, caucus researchers, witnesses, the Ministry, the Legislative Library, the Archives, committee files and individuals or groups such as certain university libraries who have asked to be put on a mailing list. Proceedings formally printed as Hansard are distributed on a much more extensive basis to members and others on a free list and to those who subscribe to the Hansard service. In addition, the proceedings which are formally printed are indexed.

The Committee has weighed carefully the value and extent of public access to legislative proceedings against the cost of providing a full Hansard service. The Committee is of the opinion that the public interest would be better served if a full Hansard service was provided for all select and standing committees except in those cases where a committee determines that a full Hansard service is not required.

Your Committee therefore recommends that:

Part I of the Standing Orders be amended by adding the following new Standing Order:

A full Hansard service shall be provided for all sittings of the House.

Standing Order 90 should be repealed and the following substituted therefor:

90. A full Hansard service shall be provided for all standing and select committees, except as may be otherwise ordered by a committee.

### 3. Parliamentary Assistants

Standing Order 27(h) provides that Parliamentary Assistants may answer for their Ministers only when authorized by the Premier. In many instances, the Premier may be required to be absent from the House on official business and in such circumstances no provision exists to permit any other minister to authorize a Parliamentary Assistant to answer a question for his minister. The Committee is of the opinion that in the absence of the Premier, the Government House Leader or a person acting in that capacity should be given the power to authorize a Parliamentary Assistant to answer for his minister.

Your Committee therefore recommends that:

Standing Order 27(h) be amended by inserting after "Premier" the words "or the Government House Leader".

#### 4. Time of Adjournment for Committees

The question of the adjournment time for committees has been of concern to some members because of differing practices in the various standing and select committees of the House.

To ensure that the same procedures are followed in each committee, your Committee recommends that:

**Part XIV of the Standing Orders be amended by adding the following new Standing Order:**

**Except by unanimous consent, no standing or select committee may sit beyond 10:30 o'clock p.m., or 1:00 o'clock p.m. on Fridays, when the House is in Session.**

#### 5. Privilege

The Committee devoted a considerable amount of time to the question of privilege and the time at which such a matter is raised in the House. A genuine question of privilege ought rarely to arise in the House. When it does arise, however, it must be brought to the attention of the House at the first possible opportunity.

Standing Order 18(b) provides that whenever a question of privilege arises it shall be taken into consideration immediately. This has resulted in alleged questions of privilege interrupting the proceedings of the House, most notably during the routine proceedings when disputes arise between members as to allegations of facts or when a member complains of the absence of a Minister of the Crown or of the failure of a Minister of the Crown to answer a question.

In making its recommendations with respect to privilege, the Committee proposes to establish a time at which questions of privilege not arising out



of the proceedings in the Chamber during the course of a sitting (i.e. outside the Chamber) shall be considered by the Speaker. In such cases, it is proposed that they be raised at the conclusion of the oral Question Period. A further amendment is also proposed to enable the Speaker to appoint a time at which questions of privilege arising out of the proceedings in the Chamber during the course of a sitting shall take place. Although it is a matter which is proposed to be left to the discretion of the Speaker, the Committee is of the opinion that the Chair should hear questions of privilege arising out of the oral Question Period at the conclusion of the oral Question Period. This would eliminate the time spent on matters of privilege during the oral Question Period.

Your Committee, therefore, recommends that:

Standing Order 18 be repealed and the following substituted therefor:

18. (a) Privileges are the rights enjoyed by the House collectively and by the Members of the House individually conferred by the Legislative Assembly Act and other Statutes, or by practice, precedent, usage and custom.

(b) A member proposing to raise a matter of privilege other than one arising in proceedings in the Chamber during the course of a sitting shall, immediately after Oral Questions, call attention to the alleged breach of privilege and explain the matter.

(c) Except as provided in clause (b), whenever a matter of privilege arises, it shall be taken into consideration either immediately or at a time appointed by the Speaker.

## 6. Bills Reported by Committees

The Committee proposes that Standing Order 59(a) be amended to correct the wording of the Standing Order.

Standing Order 59(a) now reads:

59. (a) Bills reported from the Committee of the Whole House shall stand ordered for third reading and Bills reported from Standing or Select Committees shall, by unanimous consent, also be ordered for third reading; but an Order for third reading may, on motion, be discharged by the House and the Bill referred back to a Committee.

The word "back" in the last line of the Standing Order is a survivor of the time when all Bills had to be referred to Committee of the Whole House. The Standing Order as it now reads is improperly worded in view of the fact that many bills are not referred to Committee of the Whole House.

Accordingly, your Committee recommends that:

**Standing Order 59(a) be deleted and the following substituted therefor:**

**59.(a) Bills reported from the Committee of the Whole House shall stand ordered for third reading and Bills reported from Standing or Select Committees shall, by unanimous consent, also be ordered for third reading.**

Your Committee further recommends:

**The Standing Orders be amended by adding the following new Standing Order:**

**60a. An Order for third reading may, on motion, be discharged by the House and the Bill referred to a Committee.**

## 7. Referral of Estimates to Select Committees

The Committee has noted that Standing Order 46(b) clearly contemplates the possibility of both Standing or Select Committees considering Estimates. However, Standing Orders 46(a) and 46(c) speak only of Estimates in Standing Committees.

Members of the House have expressed their concern that the Estimates of the Office of the Ombudsman should properly be referred to the Select Committee on the Ombudsman. The Select Committee in its Ninth Report recommended that its Order of Reference be amended to provide that it receive and consider all Estimates and Supplementary Estimates of the Office of the Ombudsman. To permit the referral of these Estimates to the Select Committee, the Committee recommends that the Standing Orders be amended to permit Estimates to be referred to Select Committees as well as Standing Committees.

Your Committee therefore recommends that:

Standing Order 46(a) be amended by inserting "or Select" after "Standing" in the second line.

Your Committee further recommends that:

Standing Order 46(c) be amended by inserting "or Select" after "Standing" in the first line.

## 8. Government Response to Committee Reports

The Committee considered an amendment to the Standing Orders to require the Government to respond to a report of a committee within a fixed period if the committee requests that such a response be provided.

When a committee has presented a report touching on the actions of the Ministry, it has been the practice of some committees to request that the Ministry comment on the committee's recommendations and observations. Such comments may be submitted to the committee but the Ministry is under no obligation to reply.

Given the considerable amount of time committees devote to the preparation of reports to the House, your Committee is of the opinion that the Government should be required to respond within a reasonable time and



in a comprehensive manner to the recommendations contained in a committee report, if the committee specifically makes such a request.

Your Committee recommends that:

Standing Order 30 be amended by adding thereto the following paragraph:

30. (d) Within 120 days of the presentation of a committee report as provided in clauses (b) and (c), the Government shall, upon the request of the committee, table a comprehensive response.

## V Summary of Recommendations

- All Private Bills be referred to the Standing Committee on Regulations and Other Statutory Instruments and that such committee shall from time to time report to the Assembly its observations, opinions and recommendations on procedures relating to Private Bills. (Page 5)
- Part IX of the Standing Orders be revoked and the following substituted therefor:

### XI. PRIVATE BILLS

65. (a) Any person, group or corporation may make an application for a Private Bill by filing with the Clerk of the House,

- (i) a copy of the Bill,
- (ii) a fee of \$150; and
- (iii) a declaration proving publication of the notices referred to in clause (e). (Page 5)

65. (b) Every applicant for a Private Bill shall pay,

- (i) the cost of printing the Bill;
  - (ii) the cost of reprinting the Bill if it is amended; and
  - (iii) the cost of printing the Act in the annual Statutes.
- (Page 6)

65. (c) Where, at the request of the applicant, a Standing Order is suspended with reference to a Private Bill, a charge of \$50 shall be levied. (Page 6)

65. (d) Where a Private Bill relates to a charitable organization within the meaning of the Income Tax Act (Canada), the Committee considering the Bill may recommend that the fee paid under clause (a) be remitted and, if the recommendation is approved by the House, the remitted fee shall be applied to reduce any costs payable under

clause (b) and the Committee may, having regard to the circumstances, recommend that all or part of the costs payable under clause (b) be waived and, if the recommendation is approved by the House, the costs shall be waived. (Page 7)

65. (e) Notice of an application for a Private Bill shall be given before it is read a first time by publishing the notice once a week for at least four weeks in each of The Ontario Gazette and one newspaper circulated in the municipality most affected and the notice shall,

- (i) be signed by or on behalf of the applicant;
  - (ii) clearly state the nature and object of the application;
  - (iii) when the application refers to any proposed work, indicate generally the location of the work;
  - (iv) where the application is by a municipal corporation for authority to issue debentures, set out the particulars of the existing debenture debt and the amount of the rateable property of the municipality according to the last revised assessment roll of the corporation and in brief and general terms, the object for which the new issue of debentures is required; and
  - (v) state that persons wishing to be heard by the Standing Committee considering the Bill should notify the Clerk of the Legislative Assembly.
- (Pages 7 & 8)

65. (f) Notice of an application for a Private Bill is valid for the calendar year in which the last notice is published and until the 1st day of July in the next following calendar year. (Page 9)

65. (g) Where,

- (i) an application for a Private Bill is made during a Session but the Bill is not read a first time; or
- (ii) a Private Bill is read a first time but is not considered by a Standing Committee before dissolution or prorogation,



the application shall be considered during the next regular Session of the House without publishing further notice of the application and without payment of additional fees under clause (a). (Page 9)

66. The Clerk of the House shall refer to the Standing Committee on Procedural Affairs any application that, in his opinion, does not comply with the Standing Orders. (Page 10)

67. When any Private Bill confirming any letters patent or agreement is presented to the House, a copy of the letters patent or agreement shall be included in the Bill. (Page 10)

68. No Private Bill relating to the status of a corporation shall be considered by a Standing Committee until there has been deposited with the Clerk of the House a certificate of the Minister of Revenue showing that all taxes payable under the Corporations Tax Act in respect of the corporation have been paid. (Page 10)

69. Every Private Bill when read a first time, shall, unless it is an Estate Bill or a Bill providing for a consolidation of a floating debt or for the consolidation or renewal of debentures, other than local improvement debentures, of a municipal corporation, stand referred to a Standing Committee and all Petitions and correspondence to the House for or against the Bill stand referred to the Committee. (Page 10)

70. (a) Every Private Bill or part of a Bill of a municipal corporation providing for the consolidation of a floating debt or the consolidation or renewal of debentures, other than local improvement debentures, stands referred to the Ontario Municipal Board after first reading.

(b) The Board, after due enquiry, shall report to the House whether or not it is reasonable that the Bill, or the part thereof relating to the matters referred to in clause (a), should pass and what, if any, alterations are necessary.

(c) A report of the Ontario Municipal Board shall be transmitted to the Clerk of the House.

(d) The Bill and report shall stand referred to a Standing Committee. (Page 11)

71. (a) Every Estate Bill or part of a Bill that contains an Estate Bill provision stands referred to the Commissioners of Estate Bills after first reading.

(b) The Commissioners of Estate Bills, or any two of them, shall report their opinion on the Bill or the part thereof that has been submitted to them and whether, presuming the allegations contained in the Preamble to be proven to the satisfaction of the House, it is reasonable for the Bill or the part thereof to pass and what, if any, alterations are necessary.

(c) A report of the Commissioners of Estate Bills shall be transmitted to the Clerk of the House.

(d) Where the Commissioners of Estate Bills report that, in their opinion, it is not reasonable that the Bill or the part thereof submitted to them pass into law, the Bill or the part thereof shall not be further considered.

(e) Where the Bill or the part thereof submitted to the Commissioners of Estate Bills is reported favourably by the Commissioners, the Bill and the report shall stand referred to a Standing Committee and where only part of a Bill is submitted to the Commissioners and the Commissioners report that, in their opinion, it is not reasonable that the part pass into law, the Bill shall stand referred to a Standing Committee and the Committee shall amend the Bill by deleting therefrom the part to which the report relates.  
(Pages 11 & 12)

72. The Clerk of the House shall post on all notice boards five calendar days notice of the date on which any Private Bill is to be considered by a Committee and the notice shall be published in the Notice Paper. (Page 12)

73. Any person whose interest or property may be affected by a Private Bill, when required, shall appear before the Committee considering the Bill to express his consent or objection, or may consent in writing, proof of which may be demanded by the Committee. (Page 13)

74. Private Bills when reported by a Standing Committee shall be placed on the Order Paper for second reading. (Page 13)

75. Private Bills amended by a Committee may be reprinted before further consideration, as the Clerk of the House may direct. (Page 13)

76. Private Bills, after second reading, shall be ordered for third reading, unless specially ordered referred to the Committee of the Whole House. (Page 13)

77. Except when waived by unanimous consent of the House, notice is required for a motion to dispense with any Standing Order relating to Private Bills. (Page 14)

78. A Private Bill Register shall be kept in the office of the Clerk of the House, in which shall be entered, by the Clerk appointed for that purpose, the name, description, and place of residence of the parties applying for the Bill, or of their agent, and all the proceedings thereon, such register to be open to public inspection daily, during office hours. (Page 14)

79. (a) Every Parliamentary Agent conducting proceedings before the House is personally responsible to the House and to the Speaker for the observance of the Standing Orders and Practices of Parliament, and also for the payment of all fees and charges.

(b) Any Parliamentary Agent who wilfully acts in violation of the Standing Orders and Practices of Parliament, or who wilfully misconducts himself in prosecuting any proceedings before the House, is liable to an absolute or temporary prohibition to practise as a Parliamentary Agent, at the pleasure of the Speaker. (Page 14)



- Notwithstanding the adoption of the preceding recommendations, where the first notice of an application for a Private Bill is published before the 1st day of February, 1983, Standing Order 65(e)(v) shall not apply to any such application. (Page 15)
- That the Clerk of the House publish weekly in The Ontario Gazette the following notice:

APPLICATIONS TO PARLIAMENT  
PRIVATE BILLS

PUBLIC NOTICE

The rules of procedure and the fees and costs related to applications for Private Bills are set out in the Standing Orders of the Legislative Assembly. Copies of the Standing Orders may be obtained from:

The Office of the Clerk of the Legislative Assembly  
Room 110, Legislative Building  
Queen's Park  
Toronto, Ontario  
M7A 1A2

Telephone: 416/965-1406

Applicants should note that consideration of applications for Private Bills that are received after the 1st day of September in any calendar year may be postponed until the first regular Session in the next following calendar year. (Pages 15 & 16)

- That the Standing Orders be amended by adding thereto the following Standing Order:

86a. (a) The Chairman of a Committee considering a Bill shall initial each section of the Bill as it is passed and sign the Bill.

(b) Amendments shall be clearly indicated in the signed copy and the amendments or additions shall be initialled by the Chairman.  
(Page 16)

- Section 35 of the Legislative Assembly Act be repealed and the following substituted therefor:

35. (1) The Assembly may, by warrant of the Speaker, command and compel the attendance before the Assembly of such persons and the production of such papers and things as the Assembly considers necessary for any of its proceedings or deliberations.

(2) A committee of the Assembly may, by summons, require the attendance of such persons and the production of such papers and things as the committee considers necessary for its proceedings or deliberations.

(3) Upon the request of a committee and where it appears that a person summoned refuses or fails to attend or to give evidence or produce papers or things, the Speaker may issue his warrant requiring such attendances and productions as were required by the summons and to give such evidence as is required by the committee. (Page 19)

- The Legislative Assembly Act be amended by adding the following new section:

35a. Evidence given by a person before the Assembly or a committee thereof shall not be used or receivable in evidence against the person in any civil proceeding. (Page 21)

- Subsection 45(1) of the Legislative Assembly Act be amended by adding thereto the following paragraphs:

7a. Escaping from custody, after having been apprehended pursuant to a Speaker's warrant.

7b. Knowingly attempting to dissuade or prevent a person from obeying a Speaker's warrant or a summons of a committee to appear before it.

- 7c. Causing, inflicting or procuring any violence, punishment, damage, loss or disability on or to a person because of his having appeared as a witness or because of any evidence lawfully given by him.
- 7d. Making public any part of the proceedings of a committee that the committee has ordered not be made public. (Page 22)
- Subsection 45(2) of the Legislative Assembly Act be amended by inserting after "execution" in the fifth line "and varying, suspending or cancelling". (Page 23)
  - Section 46 of the said Legislative Assembly Act be amended by inserting after "liable" in the fourth line "to such fine or". (Page 24)
  - Section 58 of the Legislative Assembly Act be amended by striking out "may administer the oath in Form 1" in the sixth line and inserting in lieu thereof "or the clerk of the committee may administer the oath in Form 1 or, in the case of an affirmation, the affirmation in the Form 1A". (Page 25)
  - Form 1 of the Legislative Assembly Act be repealed and the following substituted therefor:

FORM 1  
(Section 58)

OATH OF WITNESS

The evidence you shall give to this Committee shall be the truth, the whole truth, and nothing but the truth, well knowing that it is a serious offence to give false evidence with intent to mislead the Committee. So help you God.



FORM 1A  
(Section 58)

AFFIRMATION OF WITNESS

I solemnly affirm that I will tell the truth, the whole truth, and nothing but the truth, well knowing that it is a serious offence to give false evidence with intent to mislead the Committee. (Page 25)

- The Legislative Assembly publish as an Appendix to the Standing Orders the following collection of practices that the Assembly has adopted. (Page 26)
- As a matter of law all witnesses, including civil servants, public servants and ministers of the crown, have the same rights and obligations irrespective of the circumstances under which they appear.

All witnesses are subject to the provisions of the Legislative Assembly Act.

Civil servants who have taken the oath of secrecy pursuant to the Public Service Act cannot excuse themselves from answering questions on legal grounds, though as a practical matter a committee may take into account the convention of ministerial responsibility in pursuing a policy question with a civil servant. (Page 27)

- It is customary for a committee to give permission to a witness to have counsel present at a committee proceeding.

The committee has complete discretion in determining what role counsel will play in any committee proceeding. (Page 27)

- Counsel does not have an automatic right to cross-examine any witness.

A committee may, in its absolute discretion, offer counsel the opportunity to cross-examine; that opportunity may be withdrawn by the committee at any time.

It may be appropriate for a committee to offer counsel an opportunity to cross-examine when the committee is of the view that a witness has had his or her rights or reputation placed in jeopardy or when the witness's conduct has been called into question. (Page 28)

- Pursuant to section 58 of the Legislative Assembly Act, a committee has the power to examine a witness on oath or affirmation.

The affirmation may be taken when the witness objects to the oath on the grounds of religious beliefs or scruples, or when the witness is incompetent to judge the meaning of the oath.

It is within the discretion of a committee to determine whether or not evidence shall be taken on oath or affirmation.

A committee may require a witness to give evidence on oath or affirmation when the rights or reputation of an individual are involved or when the propriety of an individual's conduct has been called into question.

#### OATH OF WITNESS

The evidence you shall give to this Committee shall be the truth, the whole truth, and nothing but the truth, well knowing that it is a serious offence to give false evidence with intent to mislead the Committee. So help you God.

#### AFFIRMATION OF WITNESS

I solemnly affirm that I will tell the truth, the whole truth, and nothing but the truth, well knowing that it is a serious offence to give false evidence with intent to mislead the Committee. (Pages 28 and 29)

- When a committee has decided that it requires the evidence of a person or the production of documents, it is customary for the committee to invite the person to appear or to request the production of such documents as are necessary for any of its proceedings or deliberations.

If a person fails to appear or to produce documents which a committee has requested, a committee may, on motion, require the attendance of a witness or the production of documents by a summons issued pursuant to section 35(2) of the Legislative Assembly Act.

Where a person after receiving a summons of a committee fails to attend or to give evidence or to produce the required documents, a committee may, on motion, request that the Speaker issue his Warrant pursuant to section 35(3) of the Legislative Assembly Act. (Pages 29 & 30)

- A committee will usually conduct its proceedings in open session; however, it has complete discretion in deciding whether it wishes to conduct its proceedings in camera.

A committee may hold its proceedings in camera when, for example, it feels that the evidence might or will tend to incriminate the witness, reflect prejudicially on the reputation, character or conduct of the witness or another party, involve a sensitive, privileged, confidential or classified matter, or where for any reason the committee is of the view that the public interest would be better served by holding the hearing in camera.

A committee may also wish to hold its proceedings in camera where the matter under consideration is the subject of a pending civil or criminal trial. (Page 30)

- A committee may, on motion, restrict or prohibit the publication and circulation of evidence that may be the subject of a pending civil or criminal trial until after the civil or criminal proceedings, including possible appeals, have been concluded. (Page 31)
- The Clerk of the Legislative Assembly prepare an explanatory brochure for the use of members of committees and prospective witnesses outlining the role and powers of committees and the rights and duties of witnesses. (Page 32)



- Standing Order 26 be deleted and the following substituted therefor:

26. (a) Concise Statements may be made by Ministers relating to Government policy, ministry action and other similar matters of which the House should be informed.

(b) Two copies of each Ministerial statement shall be delivered to Opposition Party Leaders, or their representatives, before the routine proceedings commence in the House.

(c) After any policy statement the Minister shall table a compendium of background information.

- Part I of the Standing Orders be amended by adding the following new Standing Order:

A full Hansard service shall be provided for all sittings of the House.

Standing Order 90 should be repealed and the following substituted therefor:

90. A full Hansard service shall be provided for all standing and select committees, except as may be otherwise ordered by a committee. (Page 35)

- Standing Order 27(h) be amended by inserting after "Premier" the words "or the Government House Leader". (Page 35)
- Part XIV of the Standing Orders be amended by adding the following new Standing Order:

Except by unanimous consent, no standing or select committee may sit beyond 10:30 o'clock p.m., or 1:00 o'clock p.m. on Fridays, when the House is in Session. (Page 36)

- Standing Order 18 be repealed and the following substituted therefor:

18. (a) Privileges are the rights enjoyed by the House collectively and by the Members of the House individually conferred by the Legislative Assembly Act and other Statutes, or by practice, precedent, usage and custom.

(b) A member proposing to raise a matter of privilege other than one arising in proceedings in the Chamber during the course of a sitting shall, immediately after Oral Questions, call attention to the alleged breach of privilege and explain the matter.

(c) Except as provided in clause (b), whenever a matter of privilege arises, it shall be taken into consideration either immediately or at a time appointed by the Speaker. (Page 37)

- Standing Order 59(a) be deleted and the following substituted therefor:

59.(a) Bills reported from the Committee of the Whole House shall stand ordered for third reading and Bills reported from Standing or Select Committees shall, by unanimous consent, also be ordered for third reading. (Page 38)

- The Standing Orders be amended by adding the following new Standing Order:

60a. An Order for third reading may, on motion, be discharged by the House and the Bill referred to a Committee. (Page 38)

- Standing Order 46(a) be amended by inserting "or Select" after "Standing" in the second line. (Page 39)
- Standing Order 46(c) be amended by inserting "or Select" after "Standing" in the first line. (Page 39)
- Standing Order 30 be amended by adding thereto the following paragraph:

30. (d) Within 120 days of the presentation of a committee report as provided in clauses (b) and (c), the Government shall, upon the request of the committee, table a comprehensive response. (Page 40)

## APPENDIX A

### TERMS OF REFERENCE

Friday, 24 April 1981

On motion by Mr. Wells, seconded by Mr. Gregory,

Ordered, That the following Standing Committees be established for this Session, with power to examine and inquire into all such matters as may be referred to them by the House, with power to send for persons, papers and things, as provided in section 35 of the Legislative Assembly Act:--  
...Standing Committee on Procedural Affairs -- 12 Members... (with 7 from the Government Party, 3 from the Official Opposition and 2 from the Third Party)... appointed for this Parliament to review and report to the House its observations and opinions on the operation of the Standing Orders of the House, and such additional matters as may be referred to it by the House or by Mr. Speaker from time to time, and that the Committee also have power to review the operation of all Agencies, Boards and Commissions to which the Lieutenant Governor in Council makes some or all of the appointments, and all corporations in which the Crown in right of Ontario is a majority Shareholder, such reviews to be made with a view to reducing possible redundancy and overlapping; and the Committee may not meet during Summer adjournments or during intervals between Sessions without authorization from the Assembly.









# Standing Committee on Procedural Affairs

## Report on Standing Orders and Procedure (No. 2)







LEGISLATIVE ASSEMBLY  
ASSEMBLÉE LÉGISLATIVE

The Honourable John M. Turner, M.P.P.  
Speaker of the Legislative Assembly.

Sir,

Your Standing Committee on Procedural Affairs has the honour to present its  
Report and commends it to the House.

A handwritten signature in black ink, appearing to read "R. Treleaven".

Richard Treleaven, M.P.P.  
Chairman

Queen's Park  
March, 1984





MEMBERSHIP OF THE STANDING COMMITTEE  
ON PROCEDURAL AFFAIRS

RICHARD TRELEAVEN, Q.C.  
Chairman

ANDY WATSON  
Vice-Chairman

MICHAEL BREAUGH  
HUGH EDIGHOFFER  
HERBERT EPP  
MICKEY HENNESSY  
JACK JOHNSON

TONY LUPUSELLA  
REMO MANCINI  
RON McNEIL  
HOWARD SHEPPARD  
DAVID ROTENBERG

---

A. SMIRLE FORSYTH  
Clerk of the Committee

JOHN EICHMANIS  
Research Officer



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## INTRODUCTION

This is the Committee's second report proposing amendments to the Standing Orders. The first report, tabled in December 1982, has yet to be considered by the House.

The Committee wishes to stress that the recommendations set out in this report have been agreed to unanimously. This is not to say that all Members agree with each proposal, but that through discussion and compromise the Committee has developed a package of reforms acceptable to the entire Committee. The Committee commends these reforms to the House in this spirit.

Many of the suggested amendments to the Standing Orders are essentially "housekeeping" in nature. Most of the new Standing Orders respecting committees, for example, serve to clarify or codify existing practice. Other recommendations, such as those placing time limits of speeches, establishing a procedure for dealing with a "bells crisis", and permitting statements by members, represent significant departures.

## DIVISION BELLS

Your Committee recommends that if a recorded vote is required on a motion of no confidence in the Government, the length of the division bell be increased to a maximum of 15 minutes from the present maximum of 5 minutes.

Your Committee further recommends that if divisions in Committees of the Whole House are deferred by unanimous consent, the length of the division bell be increased to a maximum of 15 minutes from the present maximum of 10 minutes.

Your Committee therefore recommends that:

- Standing Order 63(c) be amended by striking out "five" in the second line and substituting in lieu thereof "15".
- Standing Order 95(b) be amended by striking out "ten" in the fourth line and substituting in lieu thereof "15".

Recent experience in other jurisdictions has prompted the Committee to conclude that some mechanism must be established to preclude the possibility of an opposition party hijacking Parliament for extended periods by refusing to participate in a vote. At the same time, the Committee recognizes that, under exceptional circumstances, it is legitimate for the opposition to signal extreme displeasure with proposed Government measures by forcing the division bells to ring for unusual lengths of time. The procedures proposed below strike a compromise between, on the one hand, the right of the Government to proceed with its business and to have its proposals put to a vote in the House, and on the other hand, the right of the Opposition to employ delaying tactics and to publicize its dissatisfaction with the government's proposals.

The emphasis in these admittedly cumbersome procedures is on "cooling-off periods" and continuation of parliamentary business other than that giving rise to the bell ringing. It is expected that these procedures will be required only infrequently; further, the hope is that, once begun with (for example) an overnight bell-ringing episode, the process will encourage a negotiated agreement among the parties.



The Committee therefore recommends that:

- The following standing orders be adopted:
  - (1) If, at the normal time for adjournment, the division bells are ringing for a vote on a motion to adjourn a debate or to adjourn the House, the motion shall be deemed to have been decided in the affirmative, and the House adjourned.
  - (2) If, at the normal time for adjournment, the division bells are ringing for a vote on any matter other than an adjournment motion, and the party whips do not indicate to Mr. Speaker that the Members are ready to vote, the following provisions shall apply:
    - (a) The bells may ring until the normal time for adjournment on the next sitting day when the House shall adjourn, and debate on the motion shall be deemed to have been adjourned and placed on the Order Paper as a Government order.
    - (b) Except with unanimous consent, the order for resumption of the debate deemed to have been adjourned according to (a) shall not be called during the next three sitting days.
    - (c) If the order for resumption of the debate deemed to have been adjourned according to (a) is called and at the normal time for adjournment the bells are ringing, but the Whips are not prepared to proceed with the vote, the procedures set out in (a) and (b) shall again be followed.
    - (d) On the fourth sitting day following the second deemed adjournment, as provided in (c), the Government may give notice of a motion specifying a time for the vote on the matter deemed to have been adjourned. The notice of motion shall specify a time for the vote not earlier than the normal time for adjournment on the sitting day following the passage of the motion.

- (e) When the notice of motion as provided in (d) is called, debate on the motion shall not exceed two and one-half hours. No amendment shall be permitted to the motion. At the end of the debate, Mr. Speaker shall put the question on the motion, and the division bell shall be limited to 15 minutes.
- (f) No committee shall meet while the division bells are ringing pursuant to this Standing Order.

The following example illustrates how the procedure would work, if no agreement could be reached among the three parties. This is the maximum time a measure may be delayed. It is also the minimum time in which the government can ensure that a measure comes to a vote. The process may of course be stopped at any time the parties have reached agreement on holding a vote.

Monday, 1st	Bells begin ringing on matter "X"; one or more parties unwilling to vote. Bells ring past adjournment time and continue to ring all night. No committees sit.
Tuesday, 2nd	Bells continue to ring until 10:30 p.m. No committees sit.
Wednesday, 3rd	Regular (committee) day.
Thursday, 4th	Regular day.*
Friday, 5th	Regular day.*
Monday, 8th	Regular day.*
Tuesday, 9th	Government calls order for "X"; bells begin to ring; one or more parties unwilling to vote. Bells ring all night. No committees sit.
Wednesday, 10th	Bells continue to ring; no committees sit.
Thursday, 11th	Bells continue to ring until 10:30 p.m. No committees sit.
Friday, 12th	Regular day.*
Monday, 15th	Regular day.*

Tuesday, 16th	Regular day.*
Wednesday, 17th	Regular (committee) day.
Thursday, 18th	Regular day; government gives notice of motion to hold division on "X".
Friday, 19th	Regular day; government calls notice of motion for division on "X"; debate begins.
Monday, 22nd	Regular day; debate on motion for division on "X" concludes; division takes place on motion (15 minute bell). Motion passes.
Tuesday, 23rd	Regular day; division on "X" takes place at 10:30 p.m.

(\* Indicates that "X" may not be called.)

It should be pointed out that while this illustration took three weeks to reach its conclusion, during that time, 5 days were spent in ringing the bells, 1 day was spent in debating the motion to specify the time for the final division, but on 10 days, normal House business took place.

## MOTIONS FOR EMERGENCY DEBATES

During the Second Session, considerable discussion took place in the House with respect to the interpretation of Standing Order 34. It was argued by some members that the Standing Orders clearly provide that if the notice of a motion for an emergency debate has been given in time, the Speaker is required to hear the arguments before ruling whether the motion is in order and of urgent public importance. The counter-argument was that if a motion is clearly out of order ab initio, the Speaker must advise the House immediately, that is, before hearing the arguments of representatives of each party.

Your Committee has given careful consideration to this matter and proposes an amendment to the Standing Orders which would require the Speaker to determine only if the motion is in order. If the Speaker finds the motion to be in order, the House would then hear the arguments in favour of or opposed to the motion. Following these arguments, the Speaker would then put the question, "Shall the debate proceed?", to a vote of the House. It would be for the House to determine whether the matter was of such urgent public importance that the normal business of the House should be set aside to discuss the matter.

The Committee strongly believes that the Speaker should not be required to make political decisions. As it is now written, Standing Order 34(a) requires the Speaker to make the political decision, whether the matter is a matter of urgent public importance. To ensure confidence in the impartiality of the Speaker, the Committee recommends that the Speaker should only be required to determine whether the motion is in order based on his objective interpretation of the Standing Orders and precedents.

Your Committee therefore recommends that:

- Standing Order 34 be deleted and the following substituted therefor:

34.(a) Before the Orders of the Day, any member may move to set aside the ordinary business of the House to discuss a matter of urgent public importance requiring immediate consideration.



(b) The Speaker shall then rule whether or not the motion is in order based on the following criteria:-

- (i) the member proposing the motion shall give written notice of the motion to the Speaker at least two hours before the sitting of the House;
- (ii) not more than one such motion may be made at the same sitting;
- (iii) not more than one matter may be discussed on the same motion;
- (iv) the motion must not revive discussion on a matter than has been discussed in the same Session under this Standing Order;
- (v) the motion must not raise a question of privilege; and
- (vi) the discussion under the motion must not raise any question that, according to the Standing Orders of the House, can only be debated on a distinct motion under notice.

(c) If the Speaker determines that the motion is in order, the member proposing the motion may state his arguments in favour of his motion in not more than five minutes. One member from each of the other recognized parties in the House may state the position of his party with respect to the motion in not more than five minutes.

(d) The Speaker shall then put the question, "Shall the debate proceed?", to a vote of the House.

(e) If the House determines by its vote to set aside the normal business of the House to discuss a matter of urgent public importance, each member who wishes to speak in the discussion shall be limited to ten minutes, and the debate shall conclude when all members who wish to take part have spoken or at the hour of 6.00 o'clock p.m., whichever shall be first.

## QUORUM

Section 54 of the Legislative Assembly Act and Standing Order 5(a) provide that the presence of at least 20 members of the House including the Speaker is necessary to constitute a quorum.

The Standing Orders provide that if the Speaker is advised by any member that a quorum is not present, and a quorum is not present, the Speaker will order the quorum bells to be rung for 4 minutes and then make a count.

The Committee recommends that the quorum bell be increased to 5 minutes and that the Speaker be able to order the bells to be turned off if a quorum is actually present before the expiry of the 5 minutes.

Accordingly, your Committee recommends that:

- Standing Order 2(c) be deleted.
- Standing Order 5(b) be deleted and the following substituted therefor:

5.(b) If at any time after Prayers, the Speaker's attention is drawn to the fact that a quorum is not present, the Speaker shall, upon determining that a quorum is not present, cause the bells to be rung until a quorum is present and, in any case, for no longer than 5 minutes. If a quorum is not present after the expiration of 5 minutes, the Speaker shall adjourn the House without question put until the next sitting. The matter under consideration prior to the adjournment is deemed to be adjourned to a future sitting.

- Standing Order 5(c) be amended by striking out "Standing Order 2(c)" in the third line and substituting "clause (b)" in lieu thereof.
- Standing Order 5 be amended by adding the following clause:

5.(d) Whenever the Speaker adjourns the House for want of a quorum, the names of the members then present shall be recorded in the Votes and Proceedings.

## LENGTH OF SPEECHES

In its Provisional Standing Orders which came into force on 22 December 1982, the House of Commons of Canada made provision for a 20-minute period following a member's speech to be made available, if required, for questions or comments to the member who has just spoken. The comments, questions and answers in such a period must be brief and strictly relevant to the content of the speech.

Your Committee has carefully considered this provision and recommends that the Standing Orders of this House be amended to provide for such a period. The Committee believes that the comments, questions and answers should be short, and in no case longer than one to one and one-half minutes each. Your Committee strongly believes that such a provision would bring life back into the debates in the House and ensure that members are familiar with the content of their speeches and able to defend them.

The Committee cites with approval the comments in the Third Report of the Special Committee on Standing Orders and Procedure as follows:

Your Committee envisages that exchanges which would take place would be short and sharp. More than one member should be allowed to take advantage of the 10 minutes available, and the member whose speech is the subject of a question or comment should be given the time within the 10 minutes to reply to the points raised. No specific rules should govern the length of the interventions, this being left to the discretion of the Chair. However, your Committee would not wish to see one member monopolizing this 10-minute period in cases where there are several members who wish to intervene. Furthermore the Chair should control the interventions to promote a series of exchanges to enliven the debate and add a constructive element lacking in a debate simply consisting of a series of set speeches.

The Chair should give priority during the 10-minute period to members representing parties other than that of the member who has just spoken. Your Committee emphasizes that it sees these 10-minute periods as being used for questions and answers and critical exchanges.

Your Committee is also of the opinion that time limits should be imposed on speeches in the House. The Committee proposes that unless otherwise provided in the Standing Orders, when the Speaker is in the Chair no member shall speak for more than 45 minutes in any debate.



Your Committee recommends the following amendments to the Standing Orders:

- Standing Order 19 be amended by adding the following new clause:

19.(c) Unless otherwise provided in the Standing Orders, when the Speaker is in the Chair, no member, except the Premier, the Leader of the Opposition and the leaders of the other recognized opposition parties, or a minister or parliamentary assistant moving a government order and the opposition members speaking in reply immediately after such minister, shall speak for more than 45 minutes in any debate. Following the speech of each member, a period not exceeding 10 minutes shall be made available, if required, to allow members to ask questions and comment briefly on matters relevant to the speech and to allow responses thereto.

- Standing Order 19 be amended by renumbering the clauses following new clause (c).
- Standing Order 42 be amended by adding the following new clause:

42.(b) No member, except the member moving the Address in Reply to the Speech from the Throne, the seconder of that motion, the members speaking first on behalf of the official Opposition and of the other recognized opposition parties, the Premier, the Leader of the Opposition and the leaders of the other recognized opposition parties, shall speak for more than 45 minutes in the Throne Debate. Following the speech of each member, a period not exceeding 10 minutes shall be made available, if required, to allow members to ask questions and comment briefly on matters relevant to the speech and to allow responses thereto; but no such 10-minute period shall be allowed following the speeches of the members winding up the Throne Debate for each recognized party.

- Standing Order 43 be amended by adding the following new clause:



43.(c) No member, except the Treasurer, the members speaking first on behalf of the official Opposition and the other recognized opposition parties, the Premier, the Leader of the Opposition and the leaders of the other recognized opposition parties, shall speak for more than 45 minutes in the Budget Debate. Following the speech of each member, a period not exceeding 10 minutes shall be made available, if required, to allow members to ask questions and comment briefly on matters relevant to the speech and to allow responses thereto; but no such 10-minute period shall be allowed following the presentation of the Budget by the Treasurer, the speeches of the members speaking first on behalf of the official Opposition and the other recognized opposition parties, and the speeches of the members winding up the Budget Debate for each recognized party.

- Standing Order 49 be amended by adding the following new clause:

49.(c) No member shall speak for more than 45 minutes in the debate on motions to concur in the main Estimates or in the Supplementary Estimates.

- Standing Order 50 be amended by adding the following new clause:

50.(b) No member shall speak for more than 45 minutes in the debate on a motion for Interim Supply. Following the speech of each member, a period not exceeding 10 minutes shall be made available, if required, to allow members to ask questions and comment briefly on matters relevant to the speech and to allow responses thereto.

- The Standing Orders be amended by adding the following new Standing Order:

61a.(a) When second reading of a government bill is being considered, no member, except the Premier, the Leader of the Opposition and the leaders of the other recognized opposition parties,

the minister or parliamentary assistant moving second reading of the bill and the opposition critics, or the minister or parliamentary assistant speaking in reply to close the debate, shall speak for more than 45 minutes. Following the speech of each member, a period not exceeding 10 minutes shall be made available, if required, to allow members to ask questions and comment briefly on matters relevant to the speech and to allow responses thereto.

61a.(b) No member shall speak for more than 45 minutes in the debate on a motion for third reading of a bill. Following the speech of each member, a period not exceeding 10 minutes shall be made available, if required, to allow members to ask questions and comment briefly on matters relevant to the speech and to allow responses thereto.

- Standing order 63 be amended by adding the following new clause:

63.(e) No member, except a member moving a motion of no confidence in the Government and a minister replying thereto, shall speak for more than 45 minutes.

- Standing Order 84 be amended by adding the following new clause:

84.(c) No member shall speak for more than 45 minutes at a time in any Committee of the Whole House.

## MEMBERS' STATEMENTS

Your Committee has noted and observed with particular interest the procedure adopted by the House of Commons of Canada to enable members other than ministers to make statements on current issues on a daily basis for 15 minutes preceding oral Question Period.

Your Committee is very enthusiastic about such a procedure and believes that a similar procedure should be implemented in the Legislative Assembly of Ontario to provide an opportunity for members to express themselves on matters which are of concern to them and their constituents on a daily basis. The Committee also believes that the implementation of such a procedure will significantly reduce the improper use of points of order and questions of privilege by members as a means of ensuring that matters of concern are placed on the record. Accordingly, the Committee is proposing that no matter of privilege may be raised until after Question Period.

Under the new recommended procedure, the 10 minutes preceding "Statements by the Ministry" would be reserved for members, including ministers, to raise matters of concern to them. Statements could be made by members who are ministers but such statements could not relate to the member's responsibilities as a minister of the Crown. Every member would be recognized by the Speaker for a maximum of one and one-half minutes to make a statement and, if appropriate, request that a matter be redressed. The time available for "Members' Statements" would be divided by the Speaker among the members of all parties on an equitable basis.

Your Committee recommends that:

- Standing Order 25 be amended by adding "Members' Statements" before "Statements by the Ministry".
- The Standing Orders be amended by adding the following new Standing Order:

25a.(a) A member may be recognized to make a statement for not more than one and one-half minutes.

(b) The period for Members' Statements shall be limited to 10 minutes.

- Standing Order 18(b) be deleted and the following substituted:

(b) Whenever a matter of privilege arises, it shall be taken into consideration immediately, but no matter of privilege may be raised prior to the completion of the oral question period.



## ORAL QUESTION PERIOD

Your Committee devoted a considerable amount of time discussing the subject of oral Question Period. The Committee is concerned that much of the time for oral Question Period is devoted to questions by the Leader of the Opposition and the Leader of the New Democratic Party and that there is relatively little time available to backbench members following the questions of and replies to the opposition leaders' questions.

The Committee is encouraged by the Speaker's decision not to allow members to ask multiple questions and ministers to give multiple answers. This has freed time for more questions from backbench members. However, to ensure even more time for backbench members, your Committee is of the opinion that the number of supplementary questions which are permitted should be reduced. Standing Order 27(d) gives the Speaker the discretion to permit a reasonable number of supplementary questions arising out of a minister's reply to a question. The Committee recommends that the Speaker only permit supplementary questions by the member asking the original question or by members of his party. This would have the effect of reducing by one the number of supplementary questions for each question asked.

Your Committee therefore recommends:

- That in exercising his discretion pursuant to Standing Order 27(d) to permit supplementary questions the Speaker permit supplementary questions as follows:

Official Opposition	- 1 question and 2 supplementary questions
Official Opposition	- 1 question and 2 supplementary questions
Third Party	- 1 question and 2 supplementary questions
Third Party	- 1 question and 2 supplementary questions
All other questions	- 1 question and 1 supplementary question

According to Standing Order 27(a), only questions of "urgent public importance" may be asked during Question Period. The Committee views this stipulation as unduly restrictive, as indeed have both the House and the Speaker, for current practice in effect ignores this provision. The Committee therefore proposes to remove this requirement, and the consequent provision that Mr. Speaker disallow questions which are not urgent or of public importance.

Your Committee accordingly recommends that:

- Standing Order 27(a) be deleted and the following substituted:

(a) The oral Question Period shall be limited to 60 minutes, including Supplementary Questions and Points of Order. Questions may be addressed to the Ministers of the Crown, but if in the opinion of the Speaker or the Minister a question requires a lengthy answer, either the Speaker or the Minister may require it to be placed on the Notice Paper as a written Enquiry of the Ministry. The Minister may take an oral question as notice to be answered orally at a later sitting but where any reserved answer requires a lengthy statement, the statement shall be given under "Statements by the Ministry".

## PRIVATE MEMBERS' BUSINESS

Standing Order 64(d) provides that the order for consideration of the items of business for each party shall be determined by a ballot conducted by the Clerk prior to or at the commencement of each Session in which all private members may enter their names for the draw.

Over the past several years, the ballot has not been conducted on a Sessional basis. By Order of the House, the order of precedence has been carried over from one Session to the next. Such a procedure requires a motion to be put to the House at the end of each Session.

Your Committee recommends that the Standing Orders be amended to reflect the practice of the House. The Committee also recommends that once the number of names on the list determined by the ballot in the First Session falls below ten, the Clerk shall conduct a new ballot.

Accordingly, your Committee recommends that:

- Standing Order 64(d) be deleted the following substituted therefor:

64.(d) The order for consideration of the items for each party shall be determined by a ballot conducted by the Clerk at the commencement of the First Session of each Parliament in which all private members may enter their names for the draw. When the number of names on the list established by such a draw falls below ten, the Clerk shall conduct a further ballot in which all private members may enter their names for the draw. A member who did not enter his name for a draw may submit to the Clerk a request to have his name entered on the list established for Private Members' Public Business. The Clerk shall enter the name of such member at the end of the established list.

## TIME OF MEETING

Your Committee recommends that:

- Standing Orders 2, 3 and 4 be deleted and the following substituted therefor:

2.(a) The House shall meet on Mondays, Tuesdays, Wednesdays and Thursdays at 2.00 o'clock p.m. and on Fridays at 10.00 o'clock a.m., unless otherwise ordered.

(b) The bells shall be rung for 5 minutes before the time appointed for the meeting of the House to summon the members.

(c) The Speaker shall take the Chair at the time appointed on every day fixed for the meeting of the House and shall read the Prayers.

(d) The House shall not meet on New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada Day, the day fixed for a civic holiday in August, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day. When Canada Day falls on a Tuesday, the House shall not meet the preceeding day; when Canada Day falls on a Thursday, the House shall not meet on the following day.

3.(a) On Mondays, Tuesdays, Wednesdays and Thursdays the Speaker shall leave the Chair at 6.00 o'clock p.m. until 8.00 o'clock p.m. if the business of the day is not concluded.

(b) Except as provided in clause (c), and in Standing Order 28, at 10.30 o'clock p.m. on Mondays, Tuesdays, Wednesdays and Thursdays and at 1.00 o'clock p.m. on Fridays, the Speaker shall adjourn the House without motion until the next sitting day.

(c) The House may sit beyond the hours set out in clause (b) on the passage of a Government motion for that purpose; but such



Government motion shall not pass if 20 members stand in their places.

(d) When the House adjourns, the members shall keep their seats until the Speaker has left the Chamber.

4.(a) Whenever the House stands adjourned, if it appears to the Speaker, on the advice of the Government, that the public interest requires the House to meet at an earlier time, the Speaker may give notice that the House shall meet, and thereupon the House shall meet to transact its business as if it had been duly adjourned to that time.

(b) In the event of the Speaker being unable to act owing to illness or other cause, the Deputy Speaker or the Deputy Chairman of the Committees of the Whole House shall act in the Speaker's stead for the purposes of this Standing Order.

## COMMITTEES

Your Committee recommends that Standing Orders 83, 84, 85, 88, 89, 91 and 92 be deleted and that the Standing Orders be amended by adding the following new Standing Orders:

### STANDING AND SELECT COMMITTEES

1. Within the first ten sitting days following the commencement of each Session in a Parliament the membership of the following standing committees shall be appointed for the duration of the Session:
  - (a) Standing Committee on Administration of Justice;
  - (b) Standing Committee on General Government;
  - (c) Standing Committee on Resources Development;
  - (d) Standing Committee on Social Development;
  - (e) Standing Committee on Members' Services which is empowered to advise the Speaker and the Board of Internal Economy and to report to the House its observations, opinions and recommendations on the administration of the House and the provision of services and facilities to members;
  - (f) Standing Committee on Procedural Affairs which is empowered to review on its own initiative or at the request of the Speaker or the direction of the House and to report to the House its observations, opinions and recommendations on the Standing Orders of the House and the procedures in the House and its committees; And, to review, and to report to the House its observations, opinions and recommendations on the operation of all agencies, boards and commissions to which the Lieutenant Governor in Council makes some or all of the appointments, and

all corporations to which the Crown in right of Ontario is a majority shareholder, such reviews to be made with a view to reducing possible redundancy and overlapping;

- (g) Standing Committee on Public Accounts which shall be appointed for each Parliament and which is empowered to review and report to the House its observations, opinions and recommendations on the Report of the Provincial Auditor and the Public Accounts, which documents shall be deemed to have been permanently referred to the Committee as they become available; and
- (h) Standing Committee on Regulations and Other Statutory Instruments to be the Committee provided for by section 12 of the Regulations Act, and having the terms of reference as set out in that section, namely: to examine the regulations with particular reference to the scope and method of the exercise of delegated legislative power without reference to the merits of the policy or objectives to be effected by the regulations or enabling statutes, but in so doing regard shall be had to the following guidelines:
  - (1) Regulations should not contain provisions initiating new policy, but should be confined to details to give effect to the policy established by the statute;
  - (2) Regulations should be in strict accord with the statute conferring of power, particularly concerning personal liberties;
  - (3) Regulations should be expressed in precise and unambiguous language;
  - (4) Regulations should not have retrospective effect unless clearly authorized by statute;
  - (5) Regulations should not exclude the jurisdiction of the courts;
  - (6) Regulations should not impose a fine, imprisonment or other penalty;
  - (7) Regulations should not shift the onus of proof of innocence to a person accused of an offence;

- (8) Regulations should not impose anything in the way of a tax (as distinct from fixing the amount of a licence fee, or the like); and
- (9) General powers should not be used to establish a judicial tribunal or an administrative tribunal;

And, the Committee shall from time to time report to the House its observations, opinions and recommendations as required by section 12(3) of the Regulations Act, but before drawing the attention of the House to a regulation or other statutory instrument the Committee shall afford the ministry or agency concerned an opportunity to furnish orally or in writing to the Committee such explanation as the ministry or agency thinks fit; And, the Committee shall have power to employ counsel and such other staff as it considers necessary;

- (i) Standing Committee on the Ombudsman, which shall be appointed for each Parliament, to review and consider from time to time the Reports of the Ombudsman as they become available; and as the Committee deems necessary, pursuant to the Ombudsman Act, to formulate general rules for the guidance of the Ombudsman in the exercise of his functions under the Act; to report thereon to the Legislature and to make such recommendations as the Committee deems appropriate. The Committee shall have authority to sit during recesses and during intervals between Sessions and it shall have power to employ such staff as it deems necessary and to hold meetings and hearings in such places as the Committee may deem advisable, subject to the budgetary approval of the Board of Internal Economy.

- 2. (a) Select Committees of the House may be appointed for any purpose or to consider any matter referred to them.
- (b) The motion to appoint a select committee may contain the names of the members proposed to be members of the committee and such motion is subject to amendment.



3. No standing or select committee shall consist of more than fifteen members and the membership of such committees shall be in proportion to the representation of the recognized parties in the House.
  - (a) Any member appointed to a standing or select committee may, at any time afterwards, be discharged by order of the House from attending the committee and another member appointed.
  - (b) A temporary substitution in the membership of a standing committee may be made provided a notification thereof, signed by the member acting as the Whip of a recognized Party, is filed with the Clerk of the Committee either before or within thirty minutes of a committee meeting being called to order.
4. The Clerk of the House shall post in the Legislative Building a list of members serving on each standing and select committee.
5. Within ten sitting days following the appointment of the membership of the standing committees, the Clerk of the House shall convene a meeting of each standing committee for the purpose of electing a Chairman and Vice-Chairman.
6. Each standing committee shall elect a Chairman and a Vice-Chairman at its first meeting in each Session and, if necessary, during the course of a Session.
7. Upon a written request signed by any four members of a standing or select committee, the Chairman of the Committee shall convene a meeting of the committee within ten sitting days following the receipt of such request by the Clerk of the Committee. The reasons for convening such a meeting shall be stated in the request.
8. The Clerk of each standing and select committee shall record the names of the members of the committee present at each meeting in the Minutes of Proceedings.

9.
  - (a) A majority of the members of a standing or a select committee, including the Chairman, shall constitute a quorum.
  - (b) Any committee may authorize the Chairman to hold meetings to receive evidence when a quorum is not present.
  - (c) If at any time during the sitting of a standing or select committee the Chairman of the Committee is advised by a member of the Committee that a quorum is not present, the Chairman shall, upon determining that a quorum is not present, suspend the proceedings of the committee; if no quorum is present at the expiration of ten minutes, the Chairman shall adjourn the Committee to the next scheduled sitting of the Committee.
  - (d) Whenever the Chairman of a standing or select committee adjourns the committee for want of a quorum, the Clerk of the Committee shall record the time of the adjournment and the names of the members then present in the Minutes of Proceedings.
10. Except by unanimous consent of the committee, no standing or select committee may sit beyond 10:30 o'clock p.m. Mondays, Tuesdays, Wednesdays and Thursdays or 1:00 o'clock p.m. on Fridays when the House is in Session.
11. In any standing or select committee, the Standing Orders of the House shall be observed so far as may be applicable, except the Standing Orders concerning the seconding of motions, limiting the number of times of speaking and the length of speeches.
12. The Chairman of a standing or select committee shall maintain order in the committee and decide all questions of order subject to an appeal to the committee; but disorder in a committee can only be censured by the House on receiving a report thereof.

13. Any committee may adjourn from place to place within Ontario, subject to the budgetary approval of the Board of Internal Economy.
14. (a) Standing committees shall be severally empowered to examine, enquire into and report from time to time on all such matters as may be referred to them by the House.  
  
(b) Except when the House otherwise orders, each standing or select committee shall have power to send for persons, papers and things.
15. (a) Unless otherwise ordered, standing or select committees shall have the power to appoint sub-committees which shall have power to report from time to time to the committee.  
  
(b) Every such sub-committee shall be appointed by motion, such motion specifying the terms of reference, the membership of the sub-committee and the number of members required to constitute a quorum.
16. Any member of the House who is not a member of a standing or select committee may, with the consent of the House or the committee concerned, take part in the public proceedings of the committee, but may not vote or move any motion, nor be part of any quorum.
17. On a division being called in the House, the Chairman of a standing or select committee shall suspend the proceedings in the committee for such time as will in his opinion enable members to vote in the division in the House and return to the committee.
18. (a) When a division takes place in a standing or select committee, the Clerk of the Committee shall record in the Minutes of Proceedings the question proposed, the name of the proposer, and if requested by any Member, the vote of each member present.



- (b) When members are called in for a division, there may be a maximum wait of twenty minutes before the vote is recorded.
19. The Chairman of a standing or select committee shall not vote except in the case of a tie, when the Chairman shall give a casting vote.
20. (a) The report of a standing or select committee is the report as determined by the committee as a whole or a majority thereof.
- (b) No minority report may be presented to or received by the House.
  - (c) Every member shall be permitted to indicate in a report that he dissents from a particular recommendation or comment within the report. The committee may, in its discretion, permit a member to express the reasons for his dissent within its report.
  - (d) The report as agreed to shall be signed by the Chairman, on behalf of the committee, and shall be presented to the House by the Chairman or by another member of the committee authorized by the Chairman or the committee.

#### COMMITTEES OF THE WHOLE HOUSE

21. (a) When an Order of the Day is read for the House to resolve itself into a Committee of the Whole House, the Speaker shall leave the Chair without a question put, and the House shall thereupon resolve itself into a committee.
- (b) When the Speaker has left the Chair, the Mace shall be placed under the Table and the Chairman of Committees of the Whole House shall take the Chair of the Committee at the Table.



22. The Standing Orders of the House shall be observed in Committees of the Whole House so far as may be applicable, except the Standing Orders as to the seconding of motions and limiting the number of times of speaking; but no member shall speak for more than 45 minutes at a time in any committee of the Whole House.
23. The Chairman shall maintain order in a Committee of the Whole House and decide all questions of order subject to an appeal to the House; but disorder in a Committee of the Whole House can only be censured by the House on receiving a report thereof.
24. A Committee of the Whole House may not adjourn its own sitting or the consideration of any matter to a future date, but this standing order shall not affect the application of standing order 10.
25. A motion may be moved during the proceedings of a Committee of the Whole House that the Chairman report progress and ask for leave to sit again, and such question shall be put forthwith and decided without amendment or debate.
26. (a) A motion that the Chairman of a Committee of the Whole House leave the Chair is always in order and shall be put forthwith and decided without amendment or debate.  
  
(b) If such a motion is carried, further proceedings of a Committee of the Whole House on the matter or bill then under consideration shall be superceded; but the matter or bill may, on motion with notice, be revived and the proceedings shall be resumed at the point where they were interrupted. Such a motion shall not prejudice or in any way affect any other matters or bills referred to the Committee of the Whole House.  
  
(c) If such a motion is defeated, no other such motion shall be made unless some intermediate proceeding has taken place.

(Standing Orders 86 and 87 are to be transferred to Public Bills Section.)

## STATEMENTS BY THE MINISTRY

Your Committee is concerned that statements by ministers of the Crown are becoming increasingly lengthy. The Committee encourages ministers to make statements of policy in the House before releasing the information to the public or the press. Such statements should, however, be short and factual.

To encourage concise statements, your Committee is of the opinion that the time allotted for statements by ministers should be limited to a maximum of 20 minutes on each day the House sits. The Committee recognizes that on certain occasions the time required for an important ministerial statement may exceed 20 minutes. On such days, the time allotted for ministerial statements could be extended with the agreement of a majority of the members. A similar provision exists in the current Standing Orders relating to statements by ministers on Thursdays when private members' public business is considered.

Your Committee recommends that:

- Standing Order 64(k) be deleted.
- Standing Order 26 be deleted and the following substituted therefor:

26.(a) Statements may be made by ministers of the Crown relating to Government policy, ministry action and other similar matters of which the House should be informed.

(b) The time allotted to ministerial statements shall not exceed 20 minutes without the agreement of a majority of the House.

(c) Two copies of each ministerial statement shall be delivered to Opposition Party Leaders, or their representatives, at or before the time the statement is made in the House.

(d) After any policy statement, the minister shall, where appropriate, table a compendium of background information.



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# Standing Committee on Procedural Affairs

## Report on Standing Orders and Procedure (No. 3)

4th Session 32nd Parliament  
33 Elizabeth II





LEGISLATIVE ASSEMBLY  
ASSEMBLÉE LÉGISLATIVE

The Honourable John M. Turner, M.P.P.  
Speaker of the Legislative Assembly.

Sir,

Your Standing Committee on Procedural Affairs has the honour to present its  
Report and commends it to the House.

A handwritten signature in dark ink, appearing to read 'R. Treleaven', with a long horizontal flourish extending to the right.

Richard L. Treleaven, Q.C., M.P.P.  
Chairman

Queen's Park  
21 June 1984





MEMBERSHIP OF THE STANDING COMMITTEE  
ON PROCEDURAL AFFAIRS

RICHARD L. TRELEAVEN, Q.C.  
Chairman

ANDY WATSON  
Vice-Chairman

MICHAEL BREAUGH  
MICHAEL CASSIDY  
SAM L. CUREATZ, Q.C.  
HUGH EDIGHOFFER  
HERBERT A. EPP

MORLEY KELLS  
REMO MANCINI  
RONALD K. McNEIL  
DAVID ROTENBERG  
NOBLE VILLENEUVE

---

A. SMIRLE FORSYTH  
Clerk of the Committee

JAMES STESKY  
Assistant to the Clerk

JOHN EICHMANIS  
Research Officer



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## PREMATURE DISCLOSURE OF COMMITTEE REPORTS

Since December, 1983, there have been three instances of the premature disclosure of committee reports.<sup>1</sup> As a result of the disclosure of the recommendations contained in the report of the Standing Committee on Social Development on child abuse and in the report of the Standing Committee on Resources Development on workers' compensation, the Speaker referred the subject matter of premature disclosure of committee reports to the Procedural Affairs Committee for its "very serious consideration".

Before a committee begins to write its report, it should decide whether it will write the report in public or in camera. If a committee meets in public to consider and adopt a report, the proceedings would be a matter of public record and the Committee does not believe that the House should entertain any complaint of contempt or breach of privilege in respect of the publication of the contents of a report before it has been presented to the House.

Until a committee has reported to the House, the disclosure or publication of all or part of a report prepared while the committee is sitting in camera, by any member of the committee or by any other person, may be found to be a breach of the privileges of the House and may constitute a contempt of Parliament. In support of this principle, May states that "(a)ny publication of a draft report, which has been submitted to a committee, before such report has been agreed to by the committee and presented to the House, is treated as a breach of privilege".<sup>2</sup> This is based on the ancient custom of Parliament that "no act done at any committee should be divulged before the same be reported to the House".<sup>3</sup>

The reason for this is evident. Committees are creatures of the House and it is to the House that committees should first report. Members have the right to be the first to hear of a committee's observations and conclusions, and to hear directly from the committee, rather than to read or hear of an account of the report in the media.



Your Committee wishes to emphasize to all members that it is unethical for them to disclose matters to the media or to any other person before a committee's report, which has been considered and adopted while the committee met in camera, is presented to the House.

Your Committee recommends that the Clerk of the House ensure that persons associated with the writing, printing and distribution of committee reports are advised of the privileges of the House regarding the premature disclosure of such reports and of their duties with respect thereto.

The Committee considered the manner in which committees publicize their reports. Some committees rely exclusively on Standing Order 30 which provides that the Chairman of the Committee may make a brief statement on the committee's recommendations when presenting the report to the House. This option does not permit the Chairman to discuss in detail the report and is clearly unsatisfactory if the purpose is to inform the House, the public and the media in detail of the contents of the report.

In recent years, some committees have held press conferences to publicize the recommendations in their report. These press conferences have been conducted by the Chairman of the Committee with a representative of each Party assisting the Chairman to summarize the committee's report and to answer questions. Committees have also issued press releases which highlight or summarize the recommendations contained in their reports. The press releases have been distributed with copies of the report when the report has been presented to the House or when a press conference is held.

Press conferences and press releases are useful means by which to highlight and publicize the work of a committee and its recommendations. However, it is important to ensure that the privileges of the House are not breached. When a committee has considered and adopted its report in camera, the Chairman and members of the committee should be careful to ensure that a press conference is not held and a press release is not released until the committee's report has been presented to the House.





FOOTNOTES

- 1 see Legislature of Ontario Debates, 12 December 1983 at pp. 3943-3944, 14 December 1983 at pp. 4097-4098, and 10 May 1984 at pp. 1377-1378.
- 2 Erskine May, Treatise on The Law, Privileges, Proceedings and Usage of Parliament, 20th Edition, p. 716.
- 3 Ibid., p. 153.



## SUMMARY

1. Before a committee begins writing a report it should decide whether it will meet to do so in public or in camera.
2. If a committee meets in camera to write its report, the report should be first presented to the House before it is released to the public.
3. It is unethical for members to disclose matters relating to the contents of a committee's report, which was considered and adopted while the committee met in camera, before the report has been presented to the House. Such disclosure may be found to be a breach of privileges of the House and may constitute a contempt of Parliament.
4. The Clerk of the Assembly should advise persons associated with the writing, printing and distribution of committee reports of the privileges of the House regarding the premature disclosure of committee reports and their duties with respect thereto.
5. When a committee has written its report in camera, press conferences should not be held and press communiqués should not be released until the committee's report has been presented to the House.





## APPENDIX A

### TERMS OF REFERENCE

Journals, Friday, 24 April 1981, pp. 19-20

On motion by Mr. Wells, seconded by Mr. Gregory,

Ordered, That the following Standing Committees be established for this Session, with power to examine and inquire into all such matters as may be referred to them by the House, with power to send for persons, papers and things, as provided in section 35 of the Legislative Assembly Act:-- ...Standing Committee on Procedural Affairs -- 12 Members... (with 7 from the Government Party, 3 from the Official Opposition and 2 from the Third Party)... appointed for this Parliament to review and report to the House its observations and opinions on the operation of the Standing Orders of the House, and such additional matters as may be referred to it by the House or by Mr. Speaker from time to time, and that the Committee also have power to review the operation of all Agencies, Boards and Commissions to which the Lieutenant Governor in Council makes some or all of the appointments, and all corporations in which the Crown in right of Ontario is a majority Shareholder, such reviews to be made with a view to reducing possible redundancy and overlapping; and the Committee may not meet during Summer adjournments or during intervals between Sessions without authorization from the Assembly.





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# Standing Committee on Procedural Affairs and Agencies, Boards and Commissions

Report on Standing Orders  
and Procedure (No. 4)



1st Session 33rd Parliament  
34 Elizabeth II





LEGISLATIVE ASSEMBLY  
ASSEMBLÉE LÉGISLATIVE

The Honourable Hugh Edighoffer, M.P.P.,  
Speaker of the Legislative Assembly.

Sir,

Your Standing Committee on Procedural Affairs and Agencies, Boards and  
Commissions has the honour to present its Report and commends it to the House.

A handwritten signature in cursive script, reading "Michael J. Breaugh".

Michael J. Breaugh, M.P.P.  
Chairman

Queen's Park  
18 November 1985

MEMBERSHIP OF THE STANDING COMMITTEE ON  
PROCEDURAL AFFAIRS AND  
AGENCIES, BOARDS AND COMMISSIONS

MICHAEL J. BREAUGH  
Chairman

REMO MANCINI  
Vice-Chairman

MAURICE BOSSY  
D. MARGARET MARLAND  
ELIE W. MARTEL\*  
BRUCE McCAFFREY  
GILLES E. MORIN

BERNARD NEWMAN  
NORMAN W. STERLING, Q.C.  
RICHARD L. TRELEAVEN, Q.C.  
DAVID W. WARNER

---

A. SMIRLE FORSYTH  
Clerk of the Committee

TOD J. DECKER  
Assistant Clerk of the Committee

JOHN EICHMANIS  
Research Officer

\* Mr. Martel replaced Ross McClellan, M.P.P., as a member of the Committee on October 25, 1985.



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## INTRODUCTION

The purpose of parliamentary procedure is to permit a legislature to operate both effectively and fairly. The rules are written to ensure that the ancient practice of the House which protects the rights of the minority be reconciled with the ability of the Government to secure its business, that the rights of individual members to be heard be preserved and protected, and that the House be able to require the Government to account for its financial and administrative policies.

As has been noted recently in the press, "Legislatures are living institutions that should move with the times - opening the process of government instead of keeping a lid on it with dusty rules". Parliament is in a constant state of evolution and if its practices are to be effective, such practices must be changed when necessary to answer the demands on the time of the House and to changing conditions in our society.

Your Committee commends the Government of Canada for moving to accept in large part the report of the Special Committee on Reform of the House of Commons. These reforms will, as the President of the Queen's Privy Council for Canada has stated, "lead to a more effective and relevant House of Commons, and a more open Government." The Official Opposition and the New Democratic Party have also actively supported and encouraged this movement for parliamentary reform at the House of Commons.

In Ontario, the reforms adopted in 1970, 1978 and 1980 form the basis of our present procedures. The rules have undergone no changes since 1980. This is not to say that there has not been any discussion since that time to ensure that Parliament's time could be better organized and more productive and that private members are given more opportunities to participate effectively in the legislative process.

The Standing Committee on Procedural Affairs and Agencies, Boards and Commissions, and its predecessor committees, have given top priority to the issue of parliamentary reform. The Committee was pleased to note that in the Speech from the Throne on June 4, 1985, the then Government outlined its commitment to procedural reform as follows:

The challenge for leadership is to meet vigorously the changing needs and circumstances of Ontario while maintaining the confidence and trust of the people. Better ideas will be found, and partnership and co-operation will be enhanced, if we further open up decision-making and public accountability.

To improve our capacity to lead responsibly, my government proposes a series of reforms for consideration early in this session. A government order will be submitted embracing most of the proposals of the standing committee on procedural affairs from the last parliament. Further, a new and expanded approach to the structure, operation and powers of committees of the Legislature will be brought forward.

In the "Agreement for a Reform Minority Parliament", signed by the leaders of the Ontario Liberal Party and the Ontario New Democratic Party on May 28, 1985, the two Party leaders committed their Parties to "legislative reforms designed to improve public access to and information about the legislative process in Ontario." The Agreement also committed the Parties to "(r)eform of the House by strengthening and broadening the role of committees and individual members and increasing public involvement in the legislative process."

On July 2, 1985, in his first statement to the House after being sworn into office, the Premier made the following statements:

I spoke of the need for a government without walls or barriers. That is important inside this House as well as outside.

There is a proper place for partisanship. There is also a proper time for partisanship. It must not encompass every waking hour of every working day. We are committed to making minority government work and our aim is to make use of the talents of all legislators. In this House, everyone will count. . . .

We will move quickly to bolster the role of members and committees of the Legislature. We recognize their vital role as the direct link that allows the people to tell us their concerns. A legislative committee will be empowered to conduct a review of parliamentary procedures and



appointments. It will be given two vital assignments. It will be asked to devise ways to make full use of the talents of elected members and determine what resources they need to effectively represent their constituents. . . .

The committee will also be asked to develop means to attract and select the most dedicated and capable citizens to serve in government.

Your Committee is encouraged by these statements which indicate that all Parties recognize how very important it is that the reform of this Parliament's procedures and practices take place as soon as possible.

The Committee's recommendations concerning the Office of the Speaker are aimed at strengthening the independence of the Speaker and ensuring that the Speaker is beholden to no particular party or member. The Committee has recommended that a Parliamentary calendar and timetable be adopted to establish defined periods during which the House will meet during a year and to change the times of sitting during the week. The Committee believes that this very important proposal will bring an element of certainty to the lives of members and will provide to all members a better and fairer opportunity to conduct their parliamentary and constituency business. The Committee has also proposed that the role of the private member be enhanced and that the committee structure be strengthened to increase the influence and importance of committees. As well, the Committee has recommended that a definition of confidence be incorporated in the Standing Orders to more clearly define situations which are questions of confidence. All of these proposals are aimed at rejuvenating the House and strengthening the role and independence of Parliament. The introduction of gavel to gavel television coverage of the proceedings of the legislature was the subject of a report by the Committee which was tabled in September. The Committee believes that its recommendations will help to make the operation of the House more readily understandable to those who visit Queen's Park or who will be watching the proceedings on television.

The Committee proposes that the recommended changes to the Standing Orders and practices of the House be implemented on a trial basis from March 3, 1986, to December 18, 1986, at which time the House will have an opportunity to

evaluate the effectiveness of these changes. The proposed amendments to the Legislative Assembly Act should be implemented this Fall.

In a situation where no rules exist to guide members one might accept the words of Hatsell that "(i)t is more material that there should be a rule to go by than what that rule is". A number of the Committee's recommendations are put forward to set out in the Standing Orders practices and procedures which are not in the rules and to establish a regular and uniform procedure to be followed in the House and its committees.

Your Committee wishes to express its appreciation to all of the members who, over nearly seven years, have contributed to the recommendations set out in this report.<sup>1</sup> The staff of the Committee worked diligently to ensure that this report could be presented to the House early in the Fall. The Committee would like to express its appreciation to the Clerk of the Committee, Smirle Forsyth, for his considerable assistance to the work of the Committee over nearly five years. Mr. Forsyth researched and prepared the background reports which formed the basis for the Committee's work and provided invaluable assistance in drafting the Committee's report. The Committee would also like to thank the Assistant Clerk of the Committee, Tod Decker, and the Committee's Research Officer, John Eichmanis, for their contribution to the work of the Committee. The Committee wishes to acknowledge the assistance over the past several years of the Clerk of the House, Roderick Lewis, Q.C., the Senior Legislative Counsel, Arthur N. Stone, Q.C., the Registrar of Regulations, Sidney Tucker, Q.C., and Legislative Counsel, Donald L. Revell. Finally, the Committee acknowledges the assistance of Zina Jauer and Dorin Visoi who provided support services to the Committee.

The Committee's proposals for procedural reform present a tremendous challenge to all members of the House to open up the governmental process and to take new approaches to the way in which the House operates.

---

1. See Appendix B for those members who were involved in the work of the Committee on procedural reform.

Your Committee urges the House to implement its recommendations before the end of this Session in order that the new procedures will be in place at the start of the Second Session of this Parliament.





## I ELECTION OF THE SPEAKER

The Committee is of the opinion that the time has come in the evolution of the Legislature's rules and procedures when the method of nomination and election of the Speaker should be changed. The House should exercise more direct control over the nomination of candidates for the speakership.

The Committee cites with approval the comments in the First Report of the Special Committee on Reform of the House of Commons as follows:

The Speaker is the presiding officer of the House . . . , the guardian of its privileges and the protector of the rights of all members. He or she is the principal officer of the House and the head of its administration. . . The Speaker is the representative of the House . . . and the embodiment of its prestige and authority . . .

As presiding officer the Speaker regulates debate in accordance with the rules and practice of the House, decides points of order and interprets the rules and practices when necessary, ensures that the proceedings of the House are conducted with fairness and impartiality, and protects the freedom of speech of all members and of all parties represented in the House. The Speaker's role is to some extent akin to that of a judge and the office is an essential feature of our parliamentary system.

The Speaker belongs to the House, not to the Government or the Opposition. Although the servant of the House, the Speaker is expected to show leadership in promoting and safeguarding the interests of the House and its members. . . The Speaker thus enjoys the full trust and confidence of the House without which no incumbent would be able to discharge the onerous duties.

The Committee recognizes that the Speaker must continue to be elected at the first Session of each Parliament or whenever the office becomes vacant, as required by the Legislative Assembly Act. The Committee recommends that the Speaker should cease to be nominated by the Premier and that the nominations

should be made by private members. In 1789 at the House of Commons in London, the Prime Minister, Mr. Pitt, wished to nominate the Speaker himself. However, this course was not pursued on the recommendation of the Clerk. Mr. Hatsell, on being consulted, said, "I think that the choice of the Speaker should not be on the motion of the minister. Indeed, an invidious use might be made of it, to represent (the Speaker) as the friend of the minister, rather than the choice of the House." Further, the Committee proposes that where more than one person is nominated for Speaker, the election should be by secret ballot.

In order to be elected, a candidate would require a majority of the votes cast. The balloting process would continue until one candidate has a clear majority of the votes. The ballot papers would be counted by the Clerks-at-the-Table in the presence of one member from each of the recognized political parties in the House appointed by such parties as scrutineers. The Clerk would announce the names of the candidates in order of majority after each ballot until a candidate emerges with an overall majority. After the first ballot, only those members for whom votes were cast, with the exception of the member receiving the least number of votes, would be eligible as candidates.

Therefore, your Committee recommends that:

**1. The Standing Orders be amended by adding the following new Standing Orders:**

**1a. The election of the Speaker shall be conducted in the following manner:**

- (a) At the opening of the first Session of a Parliament, or whenever the office of the Speaker becomes vacant, a member, addressing himself to the Clerk, shall propose some member to the House to be Speaker and shall move that such member "Do take the Chair of this House as Speaker," which motion shall be seconded.**
- (b) A member when nominated and seconded shall inform the House whether he accepts the nomination.**

- (c) The Clerk shall then ask "Are there any further nominations?", and if there are no further nominations, the Clerk shall say "I declare the nominations closed". The Clerk shall then, without question put, declare the member so proposed and seconded to be elected as Speaker. Such member shall be conducted to the Chair by his proposer and seconder, and shall take the Chair of the House as Speaker.
- (d) If more than one member is proposed as Speaker, the Clerk shall, after the second nomination and after each subsequent nomination, if any is made and seconded, ask: "Are there any further nominations?", and if there are no further nominations, the Clerk shall say, "I declare the nominations closed".
- (e) Members present in the Chamber shall be provided with ballot papers by the Clerk.
- (f) When only two members are nominated and seconded as Speaker, the election shall be conducted as follows:
  - (1) Each member wishing to do so shall deposit in a ballot box on the Table a ballot paper on which is printed the name of the candidate for whom he votes.
  - (2) Once all members wishing to vote have deposited their ballot papers, the votes shall be counted by the Clerks-at-the Table. The First Clerk Assistant shall provide the Clerk with the name of the member who has received the greater number of votes.
  - (3) The Clerk shall then declare such member to be elected as Speaker.



- (g) When more than two members are nominated and seconded as Speaker, the votes shall be conducted in the manner prescribed in clauses (e) and (f) and the member who has received a majority of the votes cast shall be Speaker. In the event of no member having received a majority of the votes cast, the name of the candidate having the smallest number of votes shall be excluded from subsequent ballots, and a further ballot shall take place. This balloting shall continue until one candidate is declared to be elected as Speaker by such majority.
- (h) In the event of an equality of votes, the Clerk shall cause a further ballot to be taken.
- (i) At any time after the result of the first ballot is declared, but before the commencement of a second or subsequent ballot, a candidate may withdraw his name from the election, which shall then proceed as if he had not been nominated. Whenever at any stage a withdrawal leaves only one candidate remaining, such candidate shall, without further voting, be declared elected as Speaker.
- (j) During the election of a Speaker there shall be no debate and no questions of privilege may be raised.
- (k) No Minister of the Crown, nor party leader, shall be eligible for election to the office of Speaker.
- (l) The election of a Speaker shall take precedence over all other business and no motion for adjournment nor any other motion shall be accepted while it is proceeding and the House shall continue to sit if necessary beyond its ordinary daily time of adjournment, notwithstanding any Standing or Special Order, until a Speaker is declared elected, provided that if the House has continued to sit beyond its ordinary daily time of adjournment, the



Speaker shall thereupon adjourn the House until the next sitting day.

- (m) The election of a Speaker shall not be considered to be a question of confidence in the government.
- 1b. (a) At the commencement of the First Session of a Parliament, or whenever the office becomes vacant, a member shall be appointed by the House to be Deputy Speaker and Chairman of the Committees of the Whole House.
- (b) If the Speaker is absent or otherwise unable to act, the Deputy Speaker shall perform the duties of the Speaker, and shall otherwise assist or relieve the Speaker as directed by the Speaker.
- 1c. (a) At the commencement of each Session, or whenever the office becomes vacant, a member shall be appointed by the House to be Deputy Chairman of the Committees of the Whole House.
- (b) The Deputy Chairman of the Committees of the Whole House shall relieve the Chairman and take the Speaker's chair when called upon. In the absence of both the Speaker and the Chairman, the Deputy Chairman shall assume the duties of the Speaker and shall appoint a chairman pro tem.

Your Committee further recommends that:

- 2. Standing Order 12 be repealed.

## II APPEALS FROM THE SPEAKER'S DECISIONS

Ontario is one of the few major jurisdictions where an appeal still lies from a decision of the Speaker. The Committee is of the opinion that the time has come to abolish this procedure in Ontario.

In practice, the existence of such a rule tends to encourage members to challenge the Speaker's rulings. In the last Parliament, the rulings of the Speaker were challenged with increasing frequency not so much on procedural grounds as for political purposes. When carried to these ends, appeals can seriously undermine the authority and impartiality of the Speaker and lead to serious disruption of the business of the House. The Committee agrees that the Speaker best serves the House if his rulings cannot be reversed. The Committee is strongly of the opinion that it is in the best interest of the House if its procedures are controlled by the deliberate amendment of the Standing Orders rather than through the determination by majority vote of the application of the rules to particular cases, or through substantive motions of censure against the Speaker with respect to specific rulings or substantive motions that provide that a specific ruling is not to be taken as establishing a precedent. Members who are concerned with the application of a particular Standing Order, practice or procedure may request that the Standing Committee on Procedural Affairs consider the matter. Such a request should be in writing, state the reasons for the request and be directed to the Clerk of the Committee.

Your Committee recommends that:

3. Standing Order 9 be repealed and the following substituted therefor:

9. (a) The Speaker shall preserve order and decorum, and shall decide questions of order. In explaining a point of order or practice, the Speaker may state the applicable Standing Order or authority.
- (b) No debate shall be permitted on any such decision, and no such decision shall be subject to an appeal to the House.
- (c) No motion may be moved which reflects on any such decision of the Speaker.

### III POWERS OF THE SPEAKER AND THE DEPUTY SPEAKER

In 1982, the Committee's predecessor committee discussed proposed amendments to the Legislative Assembly Act respecting the powers and duties of the Deputy Speaker and to clarify when the Deputy Speaker may act in the place of the Speaker.

There are three areas in which the Speaker has functions, each of which requires a different rule providing for his substitute:

1. The powers of the Speaker under the Legislative Assembly Act or any other Act in respect of the issuance of warrants or other specific powers.
2. The function of the Speaker in the House for procedural purposes.
- 3 The administrative function of the Speaker as the head of the Office of the Assembly.

Substitution for the Speaker in respect of the second function is provided for in sections 29 to 32 of the Act and no change in the practice is proposed.

Substitution for the Speaker in respect of the third function may be made under section 98 of the Act and no change is proposed.

The proposed amendments therefore are aimed specifically at authorizing the Deputy Speaker to perform any function of the Speaker under sections 1 to 70 of the Act, or under any other Act.

These functions specifically occur in sections 19(1)(b), 19(3), 20, 22, 23, 25(1) and (2), 29, 35(2), 47(1) and (2), 49(1), and 55 of the Act.

It is further proposed to confine section 29 of the Act to deal only with presiding at meetings of the Assembly as the other statutory functions have been dealt with by the proposed section 28(3).



It is proposed that the reference in section 29(1) of the Act to the Speaker's function as head of the Office of the Assembly be moved from section 29(1) to become section 73(2). The move is necessary so that the substitution of the Deputy Speaker would not be governed by section 28(3) but by section 98.

The proposed substitution of the Deputy Speaker for the Speaker under section 28(3) of the Act would apply to the three instances in which the Speaker is called upon to address a warrant to the Chief Election Officer for a by-election under sections 20, 22 and 25. However, these sections as now worded are not consistent with there being a second person empowered to act for the Speaker. It is proposed to amend these provisions to provide for this situation.

Consequently, your Committee recommends that:

4. Section 28 of the Legislative Assembly Act be amended by adding thereto the following subsection:
  - (3) Every power and duty of the Speaker under this Act, other than sections 71 to 99, or under any other Act, may be exercised and performed by the Deputy Speaker.
5. Section 29 of the Legislative Assembly Act be repealed and the following substituted therefor:

29. The Speaker shall preside at all meetings of the Assembly.
6. Section 73 of the Legislative Assembly Act be amended by adding thereto the following subsection:
  - (2) The Speaker shall preside over and have charge of the Office of the Assembly.
7. Section 20 of the Legislative Assembly Act be amended by striking out "there is then no Speaker, or the Speaker is absent from Ontario, or if the member is himself the Speaker" and substituting therefor "both the Speaker and the Deputy Speaker are absent from Ontario or are otherwise unable to act".



8. Section 22 of the Legislative Assembly Act be amended by striking out "or, if there is no Speaker or the Speaker is absent from Ontario or is unable to act" and substituting therefor "or, if both the Speaker and the Deputy Speaker are absent from Ontario or are otherwise unable to act".
9. Section 25(2) of the Legislative Assembly Act be amended by striking out "there is no Speaker or the Speaker is absent from Ontario or if the member whose seat is vacated is himself the Speaker" and substituting therefor "both the Speaker and the Deputy Speaker are absent from Ontario or are otherwise unable to act".

#### IV PARLIAMENTARY CALENDAR AND TIMETABLE

Your Committee is of the opinion that a parliamentary calendar should be planned on the basis of the annual Session being divided into two sitting periods each year. Such a calendar would ensure with reasonable certainty the dates and duration of the periods during which the House would sit.

Of recent years, Sessions of the Ontario Legislature have been approximately 100 to 120 days.

Your Committee recommends the adoption of the following parliamentary calendar: the Spring Term would commence on the first Monday in March and would adjourn on the fourth Thursday in June. The Fall Term would begin on the third Monday in September and would adjourn on the third Thursday in December. Such a provision would allow for approximately 120 sitting days, with the House meeting Monday to Thursday.

For example, in 1986, the Spring Term would begin on Monday, March 3rd, and would adjourn on Thursday, June 26th. The Fall Term would begin on Monday, September 15th, and would adjourn on Thursday, December 18th.

On the tenth sitting day before the end of each term, a motion could be proposed by a minister of the Crown to extend the hours of sitting during the last ten sitting days (for example, the hours of sitting could be extended to permit the House to meet from, say, 11.00 a.m. to 1.00 p.m. or to meet in the evenings from 8.00 p.m. to 10.30 p.m., in addition to the regular times of meeting from 1.00 p.m. to 6.00 p.m.), when there are considerable demands on the time of the House. This motion would be debatable for a maximum of two hours. The Committee agrees that with fixed dates for the sitting of the House, the Government would be responsible for ensuring that public legislation which it requires to be passed during a term would be introduced in sufficient time to permit reasonable consideration of all stages by the House. The Committee agrees that provision should be made, similar to one in the Rules of Procedure of the Quebec National Assembly, to impose a deadline for the introduction of bills to be considered in a term.

The implementation of a parliamentary calendar would not affect the prerogative of the Crown to dissolve or to prorogue Parliament, nor the right to convene the House at other times under special circumstances. Further, the implementation of a parliamentary calendar would make the present Standing Order 17 redundant.

An essential concomitant of a parliamentary calendar is a parliamentary timetable for the daily sittings of the House. At the present time, the House meets on Mondays, Tuesdays, Thursdays and Fridays for a total of 20 hours. The House does not ordinarily sit on Monday mornings and evenings, Tuesday mornings, all day Wednesday, Thursday mornings or Friday afternoons after 1.00 o'clock p.m. Members often use Monday mornings to travel from their constituencies to Queen's Park. Tuesday mornings have been reserved for the meetings of the caucuses of the three parties. Wednesday is the day on which the Cabinet usually meets. It is also the day on which several committees of the House meet and on which many members from the Toronto vicinity return to their ridings for engagements and to be with their families. Friday afternoons are used by members to travel from Queen's Park to their constituencies.

The present timetable can be summarized as follows:

Mondays	2.00 p.m. to 6.00 p.m.	4 hours
Tuesdays	2.00 p.m. to 6.00 p.m. 8.00 p.m. to 10.30 p.m.	6 1/2 hours
Wednesdays	(no sittings)	
Thursdays	2.00 p.m. to 6.00 p.m. 8.00 p.m. to 10.30 p.m.	6 1/2 hours
Fridays	10.00 a.m. to 1.00 p.m.	<u>3 hours</u>
<b>TOTAL:</b>		<b>20 hours</b>

Before the Summer Adjournment or Winter Recess it is not unusual for the House to meet on Monday evenings, Wednesday afternoons and Thursday mornings. This may add up to an additional 9 1/2 hours to the total weekly sitting time.

Your Committee considered a number of proposals and concluded that a new timetable which reflects the demands on the time of the House and individual members and the best interests of the members of the Cabinet, private members and constituents, should be introduced.

Your Committee therefore recommends the adoption of the following daily timetable:

Mondays	1.00 p.m. to 6.00 p.m.	5 hours
Tuesdays	1.00 p.m. to 6.00 p.m.	5 hours
Wednesdays	1.00 p.m. to 6.00 p.m.	5 hours
Thursdays	1.00 p.m. to 6.00 p.m.	5 hours
Fridays	(no sittings)	
<b>TOTAL:</b>		<hr/> 20 hours

Under this proposal, the House would meet in the Chamber for a total of 20 hours each week, the same amount of time available under the current timetable. The House would not meet on Fridays unless otherwise ordered.

In view of the fact that the Cabinet usually meets on Wednesdays, the Committee recommends that Private Members' Business be considered on Wednesday afternoons immediately after Routine Proceedings instead of on Thursday afternoons. The day allotted for Private Members' Business is one on which private members are able to discuss matters of concern to them and it has not been the practice for members of the Cabinet to participate to any great extent in the debate. As is the case at the present time, at 5.50 o'clock p.m. on each private members' day, all members would have the opportunity to vote on the matters considered on that day.

Under your Committee's proposed timetable, committees could continue to meet during periods when the House is not sitting in the Chamber (e.g. mornings or evenings) or concurrently with the House following Routine Proceedings. The time available for meetings on Wednesday afternoons would be reduced by one to one and one-half hours to accommodate the Routine Proceedings in the House, and the time available on Friday mornings would be eliminated except in circumstances where a committee requests it or where the House gives specific instructions to a committee to meet on a Friday. However, additional time for committees would be available on Monday, Tuesday and Wednesday evenings and would more than compensate for the time lost on Wednesdays and Fridays.



Provision for sitting beyond the automatic hour of adjournment should be retained as provided in the current Standing Order 3(b), under which a Government motion to continue the sitting beyond the ordinary hours may be made and may be blocked by 20 Members.

Your Committee believes that the timetable which it has proposed makes the best use of the time available to members to attend to Parliamentary business in the House, in committees and in their constituencies. The Committee is of the opinion that the present timetable weighs heavily in favour of the members who live in or near Metropolitan Toronto. Such members are able to use Wednesdays to meet with constituents, to represent their constituents before agencies or commissions, etc., to attend functions in their constituencies and to be with their families. Members from outside of the Metropolitan Toronto region do not have the same opportunities. The proposed timetable would provide to all members a better and fairer opportunity to conduct their parliamentary business.

Your Committee recommends that:

**10. Standing Orders 2, 3 and 4 be deleted and the following substituted therefor:**

**2. During the duration of a Parliament, the Assembly shall hold its normal sittings:**

**(1) from the first Monday in March to the fourth Thursday in June; and**

**(2) from the third Monday in September to the third Thursday in December.**

**2a. (a) The House shall meet on Mondays, Tuesdays, Wednesdays and Thursdays at 1.00 o'clock p.m., unless otherwise ordered.**

**(b) The bells shall be rung for 5 minutes before the time appointed for the meeting of the House to summon the members.**

- (c) The Speaker shall take the Chair at the time appointed on every day fixed for the meeting of the House and shall read the Prayers.
  - (d) The House shall not meet on New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada Day, the day fixed for a civic holiday in August, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day. When Canada Day falls on a Tuesday, the House shall not meet the preceding day; when Canada Day falls on a Thursday, the House shall not meet on the following day.
3. (a) Except as provided in clause (b), and in Standing Order 28, at 6:00 o'clock p.m. on Mondays, Tuesdays, Wednesdays and Thursdays, the Speaker shall adjourn the House without motion until the next sitting day.
- (b) The House may sit beyond the hours set out in clause (a) on the passage of a government motion for that purpose. The question on such motion shall be put forthwith and decided without amendment or debate; but such government motion shall not pass if 20 members stand in their places. If a recorded vote is requested, the division bell shall be limited to 15 minutes.
- (c) When the House adjourns, the members shall keep their seats until the Speaker has left the Chamber.
- 3a. (a) On the tenth sitting day preceding the fourth Thursday in June or the third Thursday in December, a motion to extend the hours of sitting during the last ten sitting days in each period provided for in clauses (a) and (b) of Standing Order 2 may be proposed, with notice, by a minister of the Crown.

- (b) Not more than two hours after the commencement of proceedings thereon, the Speaker shall put every question to dispose of the said motion.
4. (a) Whenever the House stands adjourned, if it appears to the Speaker, on the advice of the government, that the public interest requires the House to meet at an earlier time, the Speaker may give notice that the House shall meet, and thereupon the House shall meet to transact its business as if it had been duly adjourned to that time.
- (b) In the event of the Speaker being unable to act owing to illness or other cause, the Deputy Speaker or the Deputy Chairman of the Committees of the Whole House shall act in the Speaker's stead for the purposes of this Standing Order.

Your Committee further recommends that:

- 11. Standing Order 17 be deleted.
- 12. Standing Order 28(a) be amended by striking out "8:00" in the last line and substituting therefor "5:00".
- 13. Standing Order 28(b) be amended by striking out "10:30 p.m." in the second line and substituting therefor "6:00 p.m."
- 14. Standing Order 28(b) be further amended by striking out "3" in the third line and the appropriate substitution be made therefor.
- 15. Standing Order 28(f) be amended by striking out "10:30 o'clock" in the first line and substituting therefor "6:00".
- 16. Standing Order 28(f) be further amended by striking out "3" in the second line and the appropriate substitution be made therefor.

17. Standing Order 34(b) be amended by deleting "or 1:00 o'clock p.m, on Friday,".
18. Standing Order 64(a) be amended by striking out "Thursday" in the third line and substituting therefor "~~Wednesday~~".
19. The Standing Orders be amended by adding a new Standing Order 52 as follows:  
  
52. No public bill introduced within the last fifteen sitting days before the end of the period specified in paragraph 1 of Standing Order 2 or before the end of the period specified in paragraph 2 of Standing Order 2 may be passed in the same period.

and that Standing Order 52 be renumbered as "52a".



## V QUORUM

Section 54 of the Legislative Assembly Act and Standing Order 5(a) provide that the presence of at least 20 members of the House including the Speaker is necessary to constitute a quorum.

The Standing Orders provide that if the Speaker is advised by any member that a quorum is not present, and a quorum is not present, the Speaker will order the quorum bells to be rung for 4 minutes and then make a count.

The Committee recommends that the quorum bell be increased to 5 minutes to provide consistency with the length of division bells in other situations and that the Speaker be able to order the bells to be turned off if a quorum is actually present before the expiry of the 5 minutes.

Accordingly, your Committee recommends that:

20. Standing Order 2(c) be deleted.

21. Standing Order 5(b) be deleted and the following substituted therefor:

5.(b) If at any time after Prayers, the Speaker's attention is drawn to the fact that a quorum is not present, the Speaker shall, upon determining that a quorum is not present, cause the bells to be rung until a quorum is present and, in any case, for no longer than 5 minutes. If a quorum is not present after the expiration of 5 minutes, the Speaker shall adjourn the House without question put until the next sitting day. The matter under consideration prior to the adjournment is deemed to be adjourned to a future sitting day.

22. Standing Order 5(c) be amended by striking out "Standing Order 2(c)" in the third line and substituting "clause (b)" in lieu thereof.

23. Standing Order 5 be amended by adding the following clause:

5.(d) Whenever the Speaker adjourns the House for want of a quorum, the names of the members then present shall be recorded in the Votes and Proceedings.

## VI PRIVILEGE

The Committee also considered the question of privilege and the time at which such a matter is raised in the House. A genuine question of privilege ought rarely to arise in the House. When it does arise, however, it must be brought to the attention of the House at the first possible opportunity.

Standing Order 18(b) provides that whenever a question of privilege arises it shall be taken into consideration immediately. This has resulted in alleged questions of privilege interrupting the proceedings of the House, most notably during the routine proceedings when disputes arise between members as to allegations of facts or when a member complains of the absence of a minister of the Crown or of the failure of a minister of the Crown to answer a question.

In making its recommendations with respect to privilege, the Committee proposes to establish a time at which questions of privilege not arising out of the proceedings in the Chamber during the course of a sitting (i.e. outside the Chamber) shall be considered by the Speaker. In such cases, it is proposed that they be raised at the conclusion of the oral Question Period. A further amendment is also proposed to enable the Speaker to appoint a time at which questions of privilege arising out of the proceedings in the Chamber during the course of a sitting shall take place. Although it is a matter which is proposed to be left to the discretion of the Speaker, the Committee is of the opinion that the Chair should hear questions of privilege arising out of the oral Question Period at the conclusion of the oral Question Period. This would eliminate the time spent on matters of privilege during the oral Question Period.

Your Committee, therefore, recommends that:

### 24. Standing Order 18 be repealed and the following substituted therefor:

18. (a) Privileges are the rights enjoyed by the House collectively and by the Members of the House individually conferred by the Legislative Assembly Act and other Statutes, or by practice, precedent, usage and custom.

- (b) A member proposing to raise a matter of privilege other than one arising in proceedings in the Chamber during the course of a sitting shall, immediately after Oral Questions, call attention to the alleged breach of privilege and explain the matter.
- (c) Except as provided in clause (b), whenever a matter of privilege arises, it shall be taken into consideration either immediately or at a time appointed by the Speaker.

## VII STATEMENTS BY THE MINISTRY

Your Committee is concerned that statements by ministers of the Crown are becoming increasingly frequent and lengthy. The Committee encourages ministers to make statements of policy in the House before releasing the information to the public or the press. Such statements should, however, be short and factual.

To encourage concise statements, your Committee is of the opinion that the time allotted for statements by ministers should be limited to a maximum of 20 minutes on each day the House sits. The Committee recognizes that on certain occasions the time required for an important ministerial statement may exceed 20 minutes. On such days, the time allotted for ministerial statements could be extended with the agreement of a majority of the members. A similar provision exists in the current Standing Orders relating to statements by ministers on Thursdays when private members' public business is considered. The Committee also proposes to permit a spokesman for each of the recognized parties in opposition an opportunity to comment on each statement for up to 5 minutes.

With the introduction of full-time television coverage of the proceedings of the House, the Committee is of the opinion that "Statements by the Ministry" should follow "Oral Questions" in the Routine Proceedings. This will establish a definite time at which oral Question Period will begin on each day and will facilitate the live broadcasting of the proceedings.

Your Committee recommends that:

25. Standing Order 64(k) be deleted.
26. Standing Order 26 be deleted and the Standing Orders be further amended by adding the following new Standing Order:
  - 28a. (a) A minister of the Crown may make a short factual statement relating to Government policy or ministry action.



- (b) The time allotted to ministerial statements shall not exceed 20 minutes without the agreement of a majority of the House.
- (c) Two copies of each ministerial statement shall be delivered to Opposition Party Leaders, or their representatives, at or before the time the statement is made in the House.
- (d) After any policy statement, the minister shall, where appropriate, table a compendium of background information.
- (e) A spokesman for each of the recognized parties in opposition may comment on each ministerial statement for up to 5 minutes.

### VIII MEMBERS' STATEMENTS

Your Committee has noted and observed with particular interest the procedure adopted by the House of Commons of Canada to enable members other than ministers to make statements on current issues on a daily basis for 15 minutes preceding oral Question Period.

Your Committee is very enthusiastic about such a procedure and believes that a similar procedure should be implemented in the Legislative Assembly of Ontario to provide an opportunity for members to express themselves on matters which are of concern to them and their constituents on a daily basis. The Committee also believes that the implementation of such a procedure will significantly reduce the improper use of points of order and questions of privilege by members as a means of ensuring that matters of concern are placed on the record. Accordingly, the Committee has proposed that no matter of privilege may be raised until after Question Period.

Under the new recommended procedure, the 10 minutes preceding Oral Questions would be reserved for members, including ministers, to raise matters of concern to them. Statements could be made by members who are ministers but such statements could not relate to the member's responsibilities as a minister of the Crown. Every member would be recognized by the Speaker for a maximum of one and one-half minutes to make a statement and, if appropriate, request that a matter be redressed. The time available for "Members' Statements" would be divided by the Speaker among the members of all parties on an equitable basis. The Committee believes strongly that the Party whips should not play any part in arranging a list of members who wish to participate in "Members' Statements". The selection should be left exclusively to the Speaker.

Your Committee recommends that:

27. Standing Order 25 be deleted and the following substituted therefor:

25. The routine proceedings before the Orders of the Day are as follows:

Members' Statements  
 Oral Questions  
 Statements by the Ministry  
 Petitions  
 Reports by Committees  
 Motions  
 Introduction of Bills

28. The Standing Orders be amended by adding the following new Standing Order:

- 25a. (a) A member may be recognized to make a statement for not more than one and one-half minutes.
- (b) The period for Members' Statements shall be limited to 10 minutes.

## IX ORAL QUESTION PERIOD

The Committee is concerned that much of the time for oral Question Period is devoted to questions by the Leader of the Opposition and the Leader of the New Democratic Party and that there is relatively little time available to private members following the questions of and replies to the opposition leaders' questions.

The Committee is encouraged by the decision of the Speaker in the last Parliament and followed by the present Speaker, not to allow members to ask multiple questions and ministers to give multiple answers. This has freed time for more questions from backbench members. However, to ensure even more time for backbench members, your Committee is of the opinion that the number of supplementary questions which are permitted should be reduced. Standing Order 27(d) gives the Speaker the discretion to permit a reasonable number of supplementary questions arising out of a minister's reply to a question. The Committee recommends that the Speaker permit only one supplementary question by the member asking the original question or by a member of his party. This would have the effect of reducing by two the number of supplementary questions for each question asked by the opposition leaders and by one the number of supplementary questions for all other questions.

Your Committee therefore recommends that:

29. In exercising his discretion pursuant to Standing Order 27(d) to permit supplementary questions the Speaker permit supplementary questions as follows:

Official Opposition	- 1 question and 1 supplementary question
Official Opposition	- 1 question and 1 supplementary question
Third Party	- 1 question and 1 supplementary question
Third Party	- 1 question and 1 supplementary question
All other questions	- 1 question and 1 supplementary question



According to Standing Order 27(a), only questions of "urgent public importance" may be asked during Question Period. The Committee views this stipulation as unduly restrictive, as indeed have both the House and the Speaker, for current practice in effect ignores this provision. The Committee therefore proposes to remove this requirement, and the consequent provision that the Speaker disallow questions which are not urgent or of public importance.

Your Committee accordingly recommends that:

30. Standing Order 27(a) be deleted and the following substituted therefor:

27. (a) The oral Question Period shall be limited to 60 minutes, including Supplementary Questions and Points of Order. Questions may be addressed to the Ministers of the Crown, but if in the opinion of the Speaker or the Minister a question requires a lengthy answer, either the Speaker or the Minister may require it to be placed on the Notice Paper as a written Enquiry of the Ministry. The Minister may take an oral question as notice to be answered orally at a later sitting but where any reserved answer requires a lengthy statement, the statement shall be given under "Statements by the Ministry".

## **X GOVERNMENT RESPONSE TO COMMITTEE REPORTS**

The Committee considered an amendment to the Standing Orders to require the Government to respond to a report of a committee within a fixed period if the committee requests that such a response be provided.

When a committee has presented a report touching on the actions of the Ministry, it has been the practice of some committees to request that the Ministry comment on the committee's recommendations and observations. Such comments may be submitted to the committee but the Ministry is under no obligation to reply.

Given the considerable amount of time committees devote to the preparation of reports to the House, your Committee is of the opinion that the Government should be required to respond within a reasonable time and in a comprehensive manner to the recommendations contained in a committee report, if the committee specifically makes such a request.

Your Committee recommends that:

**31. Standing Order 30 be amended by adding thereto the following paragraph:**

**30. (d) Within 120 days of the presentation of a committee report as provided in clauses (b) and (c), the Government shall, upon the request of the committee, table a comprehensive response.**

## XI MOTIONS FOR EMERGENCY DEBATES

During the Second Session of the last Parliament, considerable discussion took place in the House with respect to the interpretation of Standing Order 34. It was argued by some members that the Standing Orders clearly provide that if the notice of a motion for an emergency debate has been given in time, the Speaker is required to hear the arguments before ruling whether the motion is in order and of urgent public importance. The counter-argument was that if a motion is clearly out of order ab initio, the Speaker must advise the House immediately, that is, before hearing the arguments of representatives of each party.

Your Committee has given careful consideration to this matter and proposes an amendment to the Standing Orders which would require the Speaker to determine only if the motion is in order. If the Speaker finds the motion to be in order, the House would then hear the arguments in favour of or opposed to the motion. Following these arguments, the Speaker would then put the question, "Shall the debate proceed?", to a vote of the House. It would be for the House to determine whether the matter was of such urgent public importance that the normal business of the House should be set aside to discuss the matter.

The Committee strongly believes that the Speaker should not be required to make political decisions. As it is now written, Standing Order 34(a) requires the Speaker to make the political decision as to whether the matter is one of urgent public importance. To ensure confidence in the impartiality of the Speaker, the Committee recommends that the Speaker should be required only to determine whether the motion is in order based on his objective interpretation of the Standing Orders and precedents.

Your Committee therefore recommends that:

32. Standing Order 34 be deleted and the following substituted therefor:

34. (a) Before the Orders of the Day, any member may move to set aside the ordinary business of the House to discuss a matter of urgent public importance requiring immediate consideration.

- (b) The Speaker shall then rule whether or not the motion is in order based on the following criteria:-
  - (i) the member proposing the motion shall give written notice of the motion to the Speaker at least two hours before the sitting of the House;
  - (ii) not more than one such motion may be made at the same sitting;
  - (iii) not more than one matter may be discussed on the same motion;
  - (iv) the motion must not revive discussion on a matter than has been discussed in the same Session under this Standing Order;
  - (v) the motion must not raise a question of privilege; and
  - (vi) the discussion under the motion must not raise any question that, according to the Standing Orders of the House, can only be debated on a distinct motion under notice.
- (c) If the Speaker determines that the motion is in order, the member proposing the motion may state his arguments in favour of his motion in not more than five minutes. One member from each of the other recognized parties in the House may state the position of his party with respect to the motion in not more than five minutes.
- (d) The Speaker shall then put the question, "Shall the debate proceed?", to a vote of the House.
- (e) If the House determines by its vote to set aside the normal business of the House to discuss a matter of urgent public importance, each member who wishes to speak in the



discussion shall be limited to ten minutes, and the debate shall conclude when all members who wish to take part have spoken or at the hour of 6:00 o'clock p.m., whichever shall be first.

- (f) When members have been called in for a division with respect to this Standing Order, the division bells shall be limited to fifteen minutes.

## **XII CLOSURE**

Since 1867, the Standing Orders have made reference to the term "previous question" for the procedure which brings debate to a conclusion and enables the House to decide upon the matter under discussion. This procedure is commonly referred to as "closure".

The Committee believes the terminology used in this Standing Order should be up-dated to make the use of the Standing Orders more easily understood to members of the Assembly and the general public.

Accordingly, your Committee recommends that:

33. Standing Order 36 be amended by striking out "The previous question" in the first line and substituting therefor "A motion for closure", and by striking out "the previous question" in the seventh line and substituting therefor "a motion for closure".

### XIII SECONDING OF MOTIONS

The Committee has considered the necessity of continuing the requirement of seconding motions. This procedure was abolished in the House of Commons at Westminster some years ago. The Committee is of the opinion that the time has come to do the same in Ontario except for the motions which have traditionally had seconders and which because of their importance should continue to have seconders.

Therefore, your Committee recommends that:

**34. The Standing Orders be amended by adding the following new Standing Order:**

**37a. Except in the case of a motion that a certain member do take the Chair of the House as Speaker, a motion for an Address in Reply to the Speech from the Throne and the Budget motion no motion or amendment shall be required to be seconded before the question thereon is proposed from the Chair.**

Your Committee also recommends that:

**35. Standing Order 31 be amended by striking out "or a seconder" in the last line.**

**36. Standing Order 32(a) be amended by striking out "properly seconded" in the first and second line.**

**37. Standing Order 35(a) be amended by striking out "or a seconder" in the last line.**

**38. Standing Order 36 be amended by striking out "or a seconder" in the second line.**

39. Standing Order 37(c) be amended by inserting "and" after "notice" in the first line, and by striking out "and must be seconded" in the second line.
40. Standing Order 52 be amended by striking out "or seconder" in the first line, and by striking out "and a seconder" in the last line.
41. Standing Order 84(b) be amended by striking out "seconding of motions and" in the third line.



#### **XIV BILLS REPORTED BY COMMITTEES**

The Committee proposes that Standing Order 59(a) be amended to correct the wording of the Standing Order.

Standing Order 59(a) now reads:

59. (a) Bills reported from the Committee of the Whole House shall stand ordered for third reading and Bills reported from Standing or Select Committees shall, by unanimous consent, also be ordered for third reading; but an Order for third reading may, on motion, be discharged by the House and the Bill referred back to a Committee.

The word "back" in the last line of the Standing Order is a survivor of the time when all Bills had to be referred to Committee of the Whole House. The Standing Order as it now reads is improperly worded in view of the fact that many bills are not referred to Committee of the Whole House.

Accordingly, your Committee recommends that:

42. Standing Order 59(a) be deleted and the following substituted therefor:

59. (a) Bills reported from the Committee of the Whole House shall stand ordered for third reading and Bills reported from standing committees shall, by unanimous consent, also be ordered for third reading.

Your Committee further recommends that:

43. The Standing Orders be amended by adding the following new Standing Order:

- 60a. An Order for third reading may, on motion, be discharged by the House and the Bill referred to a Committee.

## XV PRIVATE BILLS

In December, 1981, and in December, 1982, the Committee's predecessor committee presented reports to the House dealing with Private Bill procedures. No action was taken by the House on these Reports.

The Committee has reviewed these previous recommendations and wishes to bring them before the House once again. These recommendations are intended to clarify and to simplify certain of the procedures relating to Private Bills.

Your Committee recommends that:

44. Part IX of the Standing Orders be revoked and the following substituted therefor:

## XI. PRIVATE BILLS

65. (a) Any person, group or corporation may make an application for a Private Bill by filing with the Clerk of the House,
- (i) a copy of the Bill,
  - (ii) a fee of \$150; and
  - (iii) a declaration proving publication of the notices referred to in clause (e).

### Reason

Standing Order 65(a) now reads:

65. (a) Any person, group or corporation may apply for a Private Bill by filing with the Clerk of the House a copy of the Bill together with a fee of \$150.00.

The proposed amendment would clarify the application procedure for Private Bills. The application fee has not been increased since 1929 and does not reflect the administrative costs related to the processing of such legislation. At this time your Committee is not prepared to recommend an increase in the

application fee. The Committee is of the opinion, however, that this matter should be given careful consideration by the Standing Committee on Regulations and Private Bills.

- 65. (b) Every applicant for a Private Bill shall pay,**
- (i) the cost of printing the Bill at all of its stages including reprinting if it is amended; and**
  - (ii) the cost of printing the Act in the annual Statutes.**

Reason

Standing Order 65(b) now reads:

- (b) Every applicant for a Private Bill shall pay the cost of printing the Bill, including the cost of printing the Act in the annual Statutes.

The purpose of this amendment is to clarify for the Applicant the printing costs associated with Private Bill applications.

- 65. (c) Where, at the request of the applicant, a Standing Order is suspended with reference to a Private Bill, a charge of \$50 shall be levied.**

Reason

Standing Order 65(c) reads:

- (c) Where a Standing Order is suspended with reference to a Bill, a charge of \$50.00 shall be levied.

This amendment restricts the imposition of a \$50.00 charge to those instances where a Standing Order is suspended at the request of an Applicant.

The current Standing Orders 65(d) and (e), relating to additional fees for Private Bills proposing to increase the capital stock of a company, etc., are deleted. These provisions are considered to be obsolete.

65. (d) Where a Private Bill relates to a charitable organization within the meaning of the Income Tax Act (Canada), the Committee considering the Bill may recommend that the fee paid under clause (a) be remitted and, if the recommendation is approved by the House, the remitted fee shall be applied to reduce any costs payable under clause (b) and the Committee may, having regard to the circumstances, recommend that all or part of the costs payable under clause (b) be waived and, if the recommendation is approved by the House, the costs shall be waived.

#### Reason

This is a new provision which clearly sets out in the Standing Orders the existing practice of the House for the remission of fees. Provision is also made for the waiver of all or part of the printing costs if the Committee is of the opinion that exceptional circumstances exist which would warrant the waiver of such costs.

The current Standing Order 65(f) is deleted. The Committee is of the opinion that the costs involved in printing the Standing Orders respecting applications for Private Bills each week in The Ontario Gazette outweigh any benefit derived from such notice.

65. (e) Notice of an application for a Private Bill shall be given before it is read a first time by publishing the notice once a week for at least four weeks in each of The Ontario Gazette and one newspaper circulated in the municipality most affected and the notice shall,
- (i) be signed by or on behalf of the applicant;
  - (ii) clearly state the nature and object of the application;
  - (iii) when the application refers to any proposed work, indicate generally the location of the work;
  - (iv) where the application is by a municipal corporation for authority to issue debentures, set out the particulars of the existing debenture debt and the amount of the



rateable property of the municipality according to the last revised assessment roll of the corporation and in brief and general terms, the object for which the new issue of debentures is required; and

- (v) state that any person who has an interest in the application and who wishes to make submissions for or against the application when it is considered by a Standing Committee should notify the Clerk of the House in writing.

#### Reason

Standing Order 65. (g) now reads:

- 65. (g) Notice of an application for a Private Bill shall be given before it is referred to a Standing Committee by publishing it once a week for at least four weeks in each of The Ontario Gazette and one newspaper circulated in the municipality most affected and the notice shall,
  - (i) be signed by or on behalf of the applicant;
  - (ii) clearly state the nature and object of the application;
  - (iii) when the application refers to any proposed work, indicate generally the location of the work; and
  - (iv) where the application is by a municipal corporation for authority to issue debentures, set out the particulars of the existing debenture debt and the amount of the rateable property of the municipality according to the last revised assessment roll of the corporation and in brief and general terms, the object for which the new issue of debentures is required.

This amendment provides that notice of an application for a Private Bill must be given before the Bill is introduced and read a first time. The amendment also provides that advertisements must contain notice of the right of interested parties to be heard. Your Committee believes that it is important that a

committee considering a Private Bill hear all parties interested in a particular Private Bill and that all such parties should be advised when an Applicant is giving notice of its intent to apply for private legislation of the opportunity to be heard by the committee when it considers the Bill.

- 65. (f) Notice of an application for a Private Bill is valid for the calendar year in which the last notice is published and until the 1st day of July in the next following calendar year.**

Reason

This is a new provision which defines the period during which the notice of an application for a Private Bill is valid.

- 65. (g) Where,**
- (i) an application for a Private Bill is made during a Session but the Bill is not read a first time; or**
  - (ii) a Private Bill is read a first time but is not considered by a Standing Committee before dissolution or prorogation, the application shall be considered during the next regular Session of the House without publishing further notice of the application and without payment of additional fees under clause (a).**

Reason

This is a new provision to deal with the problems associated with the carrying-over of applications from one Parliament to another or one Session to another. At the present time, a special Order of the House is required at the beginning of each Session to resolve such problems.

- 66. The Clerk of the House shall refer to the Standing Committee on Procedural Affairs any application that, in his opinion, does not comply with the Standing Orders.**

This proposed Standing Order is the same as the current Standing Order 66(b).

67. When any Private Bill confirming any letters patent or agreement is presented to the House, a copy of the letters patent or agreement shall be included in the Bill.

This proposed Standing Order is the same as the current Standing Order 67 with some minor changes in the wording.

68. No Private Bill relating to the status of a corporation shall be considered by a Standing Committee until there has been deposited with the Clerk of the House a certificate of the Minister of Revenue showing that all taxes payable under the Corporations Tax Act in respect of the corporation have been paid.

This proposed Standing Order is the same as the current Standing Order 68 with some minor changes in the wording.

69. (a) Every Private Bill when read a first time, shall, unless it is an Estate Bill or a Bill providing for a consolidation of a floating debt or for the consolidation or renewal of debentures, other than local improvement debentures, of a municipal corporation, stand referred to a Standing Committee and all Petitions and correspondence to the House for or against the Bill stand referred to the Committee.
- (b) No Private Bill shall be given first reading unless a compendium of background information has been deposited with the Clerk of the House by the applicant.
- (c) The compendium required under clause (b) shall cite the precedents, if any, used in drafting the Private Bill and shall contain an up to date consolidation of existing legislation that is amended by the Bill.



- (d) A Standing Committee that considers Private Bills may adopt guidelines related to the form and content of the compendium required by clause (b).
- (e) Where the purpose of a Private Bill application is to amend a section of an existing Private Act or the Private Bill would have the effect of amending a section of an existing Private Act, the Private Bill shall re-enact the section in its entirety.

#### Reason

This proposed Standing Order will require that a compendium of background information be deposited with the Clerk before First Reading. The requirement for a compendium of background information is similar to that already required for Government bills. It will require the consolidation of, for example, the existing legislation dealing with the particular section which is proposed to be amended. Clause (e) will require applicants who wish to amend a section of an existing Private Act to re-enact the entire section, so that all of the various amendments will be consolidated in one place. This will make it easier for members of the House to review such legislation when asked to amend it and it will make it easier for those affected by the legislation to find the law and to work with it. The proposed clause (e) is cast in terms sufficiently wide so as to discourage an applicant from attempting to avoid a complete consolidation of a section through the device of indirect amendments.

- 70. (a) Every Private Bill or part of a Bill of a municipal corporation providing for the consolidation of a floating debt or the consolidation or renewal of debentures, other than local improvement debentures, stands referred to the Ontario Municipal Board after first reading.
- (b) The Board, after due enquiry, shall report to the House whether or not it is reasonable that the Bill, or the part thereof relating to the matters referred to in clause (a), should pass and what, if any, alterations are necessary.



- (c) A report of the Ontario Municipal Board shall be transmitted to the Clerk of the House.
- (d) The Bill and report shall stand referred to a Standing Committee.

#### Reason

This provision is similar to the current Standing Order 70 except that it is proposed that a part of a Private Bill relating to certain municipal applications may be referred to the Ontario Municipal Board. This reflects changes which were made in 1980 to the current Standing Order 71 dealing with Estate Bills.

- 71. (a) Every Estate Bill or part of a Bill that contains an Estate Bill provision stands referred to the Commissioners of Estate Bills after first reading.
- (b) The Commissioners of Estate Bills, or any two of them, shall report their opinion on the Bill or the part thereof that has been submitted to them and whether, presuming the allegations contained in the Preamble to be proven to the satisfaction of the House, it is reasonable for the Bill or the part thereof to pass and what, if any, alterations are necessary.
- (c) A report of the Commissioners of Estate Bills shall be transmitted to the Clerk of the House.
- (d) Where the Commissioners of Estate Bills report that, in their opinion, it is not reasonable that the Bill or the part thereof submitted to them pass into law, the Bill or the part thereof shall not be further considered.
- (e) Where the Bill or the part thereof submitted to the Commissioners of Estate Bills is reported favourably by the Commissioners, the Bill and the report shall stand referred to a Standing Committee and where only part of a Bill is submitted

to the Commissioners and the Commissioners report that, in their opinion, it is not reasonable that the part pass into law, the Bill shall stand referred to a Standing Committee and the Committee shall amend the Bill by deleting therefrom the part to which the report relates.

Reason

This provision is similar to the current Standing Order 71 except that subsection 71(e) requires a Committee to amend a Private Bill to reflect a recommendation of the Commissioners of Estate Bills that a part of the Bill not pass into law. The current practice provides, in effect, that the Commissioners' Report amends the Bill.

72. The Clerk of the House shall post on all notice boards five calendar days notice of the date on which any Private Bill is to be considered by a Committee and the notice shall be published in the Orders and Notices paper.

Reason

The word "calendar" is inserted to clarify that the notice period relates to calendar days and to reflect current practice.

73. Any person whose interest or property may be affected by a Private Bill, when required, shall appear before the Committee considering the Bill to express his consent or objection, or may consent in writing, proof of which may be demanded by the Committee.

This Standing Order is the same as the current Standing Order 73.

74. Private Bills when reported by a Standing Committee shall be placed on the Orders and Notices paper for second reading.

This Standing Order is the same as the current Standing Order 74.

The current Standing Order 75 is deleted from Part IX and a similar provision is later proposed to be inserted in Part XIV of the Standing Orders.

- **75. Private Bills amended by a Committee may be reprinted before further consideration, as the Clerk of the House may direct.**

#### Reason

This provision is similar to the current Standing Order 76 except that the reference to Bills amended by the Commissioners of Estate Bills is removed in accordance with the provision in new Standing Order 71(e). Reference to the cost of reprinting a Bill is removed and is contained in new Standing Order 65(b).

- 76. Private Bills, after second reading, shall be ordered for third reading, unless specially ordered referred to the Committee of the Whole House.**

This Standing Order is the same as the current Standing Order 77.

- 77. Except when waived by unanimous consent of the House, notice is required for a motion to dispense with any Standing Order relating to Private Bills.**

#### Reason

This Standing Order sets out in more precise terms the requirement of notice to dispense with any Standing Order relating to Private Bills (see current Standing Order 78).

- 78. A Private Bill Register shall be kept in the office of the Clerk of the House, in which shall be entered the name, description, and place of residence of the parties applying for the Bill, or of their agent, and all the proceedings thereon, such register to be open to public inspection daily, during office hours.**

This Standing Order is the same as the current Standing Order 79 with some minor changes in the wording.



79. (a) Every Parliamentary Agent conducting proceedings before the House is personally responsible to the House and to the Speaker for the observance of the Standing Orders and Practices of Parliament, and also for the payment of all fees and charges.
- (b) Any Parliamentary Agent who wilfully acts in violation of the Standing Orders and Practices of Parliament, or who wilfully misconducts himself in prosecuting any proceedings before the House, is liable to an absolute or temporary prohibition to practise as a Parliamentary Agent, at the pleasure of the Speaker.

This Standing Order is the same as the current Standing Order 80.

To provide for a transition period between the adoption of the proposed Standing Orders and the date on which the provision with respect to notice takes effect, your Committee recommends that,

45. Notwithstanding the adoption of the preceding recommendations, where the first notice of an application for a Private Bill is published before the 1st day of February, 1986, Standing Order 65(e)(v) shall not apply to any such application.

The Committee has recommended that the Standing Order requiring the Clerk of the House to publish weekly in The Ontario Gazette the Standing Orders respecting applications for Private Bills be deleted. In its place the Committee recommends that the Clerk of the House publish a notice advising the public that copies of the rules respecting Private Bill applications are available from his Office.

Your Committee therefore recommends that:

46. The Clerk of the House publish weekly in The Ontario Gazette the following notice:



APPLICATIONS TO PARLIAMENT  
PRIVATE BILLS

PUBLIC NOTICE

The rules of procedure and the fees and costs related to applications for Private Bills are set out in the Standing Orders of the Legislative Assembly. Copies of the Standing Orders may be obtained from:

The Office of the Clerk of the Legislative Assembly  
Room 110, Legislative Building  
Queen's Park  
Toronto, Ontario  
M7A 1A2  
  
Telephone: 416/965-1406

Applicants should note that consideration of applications for Private Bills that are received after the 1st day of September in any calendar year may be postponed until the first regular Session in the next following calendar year.

The Committee has proposed that the current Standing Order 75 be deleted from Part IX and be included under Part XIV of the Standing Orders. This would clearly set out the procedure to be followed in all committees of the House and would reflect the established practice in committees.

Your Committee therefore recommends that:

47. The Standing Orders be amended by adding thereto the following Standing Order:

113. (a) The Chairman of a Committee considering a Bill shall initial each section of the Bill as it is passed and sign the Bill.
- (b) Amendments shall be clearly indicated in the signed copy and the amendments or additions shall be initialled by the Chairman.

## XVI HANSARD

On a number of occasions, members have raised questions with respect to the provision of a full Hansard service for the proceedings of committees as opposed to a transcription of the proceedings of committees in the form which is distributed to Committee members after each meeting.

Standing Order 90 provides that a full Hansard service shall be provided for all committees considering Estimates. A tape recording only is made of all other standing committee proceedings unless a committee directs that a transcription be made of certain proceedings. The Standing Orders do not mention coverage of the proceedings in the Chamber.

In recent years, the proceedings of virtually every committee have been transcribed. The exceptions have been for hearings on private bills and when committees have met in camera. A full Hansard service has been provided for all committees considering Estimates and in cases where the House has deemed the matter to be of such importance that the committee proceedings should form part of Hansard (e.g. committee consideration of the Annual Report of the Workers' Compensation Board and the hearings on Bill 30, An Act to Amend the Education Act).

A maximum of 45 transcripts are available for distribution by the Clerk of a committee to the members of a committee, caucus researchers, witnesses, the Ministry, the Legislative Library, the Archives, committee files and individuals or groups such as certain university libraries who have asked to be put on a mailing list. Proceedings formally printed as Hansard are distributed on a much more extensive basis to members and others on a free list and to those who subscribe to the Hansard service. In addition, the proceedings which are formally printed are indexed.

The Committee has weighed carefully the value and extent of public access to legislative proceedings against the cost of providing a full Hansard service. The Committee is of the opinion that the public interest would be better served if a full Hansard service was provided for all standing and select committees except

in those cases where a committee determines that a full Hansard service is not required.

Your Committee recommends that:

48. Standing Order 90 be repealed and the following substituted therefor:

90. (a) Except where all strangers have been excluded on a motion properly moved and adopted by the House or a Committee of the Whole House, a full Hansard service shall be provided for all sittings of the House or the Committee as the case may be.

(b) A full Hansard service shall be provided for all standing and select committees, except as may be otherwise ordered by a committee.

## XVII DIVISION BELLS

Your Committee recommends that if a recorded vote is required on a motion of no confidence in the Government, the length of the division bells be increased to a maximum of 15 minutes from the present maximum of 5 minutes.

Your Committee also recommends that where the time for a vote in the House has been pre-arranged by agreement of all parties, the division bells should be reduced from the present maximum of 30 minutes to a maximum of 15 minutes.

Your Committee further recommends that if divisions in Committees of the Whole House are deferred by unanimous consent, the length of the division bell be increased to a maximum of 15 minutes from the present maximum of 10 minutes.

Your Committee therefore recommends that:

49. Standing Order 63(c) be amended by striking out "five" in the second line and substituting therefor "15".
50. Standing Order 94(f) be amended by striking out "thirty" in the third line and substituting therefor "15".
51. Standing Order 95(b) be amended by striking out "ten" in the fourth line and substituting therefor "15".

Since 1982, two proposals have been put before the House with respect to division bells. Neither of these proposals was considered by the House. As the Committee's predecessor committee noted in its 1984 Report on Standing Orders and Procedure (No. 2) "recent experience in other jurisdictions has prompted the Committee to conclude that some mechanism must be established to preclude the possibility of (a) party hijacking Parliament for extended periods by refusing to participate in a vote."

The Committee recognizes that a member's many responsibilities may take him away from the House when the legislature is meeting. However, it is important



to keep in mind that the primary obligation of each member of the House is to the work of the Chamber. Members whose responsibilities take them away from the parliamentary precincts when the House is meeting should ensure that they are paired with another member.

Your Committee proposes to recommend that, unless otherwise provided, if a recorded vote is requested the division bells would be limited to a maximum of 15 minutes, subject to the division bells being rung for up to 24 hours on the Speaker being advised by the whips that the division bells should continue to ring to permit absent members to travel to the Legislative Building to vote. The Committee wishes to stress that the only reason the Speaker will direct that the division bells continue to ring beyond 15 minutes is to permit absent members to attend for the vote. The Legislative Assembly of Manitoba has adopted a similar rule.

Your Committee therefore recommends that:

**52. The Standing Orders be amended by adding thereto the following new Standing Order:**

**95a. (a)** Except as provided in Standing Orders 5, 63, 63a, 64, 94 and 95, when the members are called in for a recorded vote the division bells shall ring for not more than 15 minutes, at which time the Speaker will again state the question and will call for the recorded vote of the Members then present, whether or not the Whips have returned.

**(b)** Notwithstanding clause (a), the Speaker, after consultation with the Government Whip and the Opposition Whips, may direct that the division bells continue to ring beyond 15 minutes to a specific time set by the Speaker for the exclusive purpose of permitting absent members who may do so within a reasonable length of time to travel to the Legislative Building to attend the service of the House.

- (c) Where, pursuant to clause (b), the Speaker has directed that the division bells continue to ring beyond 15 minutes,
  - (1) the time at which the division bells are to be turned off once set shall not be altered;
  - (2) no further extension shall be granted in respect of that division; and
  - (3) no such extension shall exceed 24 hours.

## XVIII SPEECHES

The Committee has considered imposing time limits on speeches in the House. However, at this time, the Committee does not propose to recommend changes to the Standing Orders to provide for time limits on speeches.

The House of Commons of Canada has made provision for a 10-minute period following a member's speech to be made available, if required, for questions or comments to the member who has just spoken. The comments, questions and answers in such a period must be brief and strictly relevant to the content of the speech.

Your Committee has carefully considered this provision and recommends that the Standing Orders of this House be amended to provide for such a period. The Committee believes that the comments, questions and answers should be short, and in no case longer than one to one and one-half minutes each. Your Committee strongly believes that such a provision would bring life back into the debates in the House and would ensure that members are familiar with the content of their speeches and able to defend them.

The Committee cites with approval the comments in the Third Report of the Special Committee of the House of Commons of Canada on Standing Orders and Procedure as follows:

Your Committee envisages that exchanges which would take place would be short and sharp. More than one member should be allowed to take advantage of the 10 minutes available, and the member whose speech is the subject of a question or comment should be given the time within the 10 minutes to reply to the points raised. No specific rules should govern the length of the interventions, this being left to the discretion of the Chair. However, your Committee would not wish to see one member monopolizing this 10-minute period in cases where there are several members who wish to intervene. Furthermore the Chair should control the interventions to promote a series of exchanges to enliven the debate and add a constructive element lacking in a debate simply consisting of a series of set speeches.

The Chair should give priority during the 10-minute period to members representing parties other than that of the member who has just spoken. Your Committee emphasizes that it sees these 10-minute periods as being used for questions and answers and critical exchanges.

Your Committee recommends that:

53. The Standing Orders be amended by adding the following new Standing Order:

19a. A period not exceeding 10 minutes shall be made available, if required, to allow members to ask questions and comment briefly on matters relevant to the matters before the House and to allow responses thereto, in the following circumstances:

- a) debate on second reading of a government bill;
- b) debate on third reading of a government bill;
- c) debate on the Address in Reply to the Speech from the Throne, but no such 10-minute period shall be allowed following the speeches of the members winding up the Throne Debate for each recognized party;
- d) debate on the Budget motion, but no such 10-minute period shall be allowed following the presentation of the Budget by the Treasurer, the speeches of the members speaking first on behalf of the official Opposition and the other recognized parties, and the speeches of the members winding up the Budget Debate for each recognized party; and
- e) debate on a motion for Interim Supply.



## XIX PRECINCTS OF THE HOUSE

The precincts of the House are the premises which the Legislative Assembly occupies from time to time for its corporate purposes. Maingot, in his text Parliamentary Privilege in Canada, states that "It includes those premises where . . . (the) House through its Speaker exercises physical control to enable the members to perform their parliamentary work without obstruction or interference." It has also been argued that any place de facto occupied by members for their parliamentary duties is part of the precincts of the House.

The circumstances in which the issue of parliamentary precincts become relevant are:

- in the exercise of authority by the House, and by the Speaker or the Sergeant-at-Arms in the name of the House, within the precincts of the House (e.g. the misconduct of members or strangers within the precincts or the service of legal process within the precincts may be treated as a contempt);
- the limitation of the powers of the police operating within Parliament and its precincts; and
- the application of security arrangements for Parliament.

The issue of the precincts of the House was a matter of concern to members of the Committee. For some years, it has been a matter of embarrassment to members that Parliament lacks control of, or is unsure of the extent of its control of, the Parliament Building.

Section 94(1) of the Legislative Assembly Act provides that "Such parts of the Legislative Building as may be designated by the Lieutenant Governor in Council shall be under the control of the Speaker and the order-in-council shall be laid before the Assembly." Order-in-Council 3195/78, dated November 3rd, 1978, defines those parts of the Building which are under the control of the Speaker. The result is that some members and staff have offices which are under the control of the Speaker, while the offices of many other members (including the

offices of the Speaker and the Deputy Speaker) are under the control of the Minister of Government Services.

The Committee is of the opinion that this issue of split jurisdiction must be dealt with by bringing the control and management of the whole of the Parliament Building including the front steps under the exclusive jurisdiction of the Speaker. The Committee is also of the opinion that those areas of the Whitney Block occupied by members and staff of the Assembly be designated by Order-in-Council as areas under the control of the Speaker. Within the Legislative Building, the Committee recommends that as far as possible the Speaker would meet the wishes of the Executive in allocating offices to the Executive Council and Cabinet Office.

The Committee is firmly of the opinion that any activity affecting the Parliament Building should first receive the approval of Parliament through its representatives. Two facts have hampered the efforts of those persons trying to meet the needs of the House. First, the Office of the Assembly has no capital budget to provide the funds necessary to maintain and improve the Parliament Building. The Parliament Building is the seat of government for Ontario and is one of the most historically and architecturally significant buildings in the Province. Members are extremely concerned that the importance of the building has not been recognized by those responsible for the maintenance of the Parliament Building.

The second fact which has hampered those persons trying to meet the needs of the House is that Parliament has no central agent to act on its behalf and to plan for the physical requirements of the House. To date, the House has had to rely on the Ministry of Government Services to provide such services. Too often those responsible for the physical requirements of the Parliament Building have failed to recognize that the building's primary purpose is to house the Legislative Assembly of Ontario. The Parliament Building is a legislative building, not a ministry building, and as such has special requirements not ordinarily associated with other office buildings.

The Committee agrees with the recommendations of the Special Committee on Reform of the House of Commons that an Intendant of Parliament be appointed

to report directly to the Speaker on the administration of the parliamentary precincts. Funding would be provided to the the Office of the Intendant for building operations, maintenance and capital projects. This new officer would not interfere with the traditional and historical responsibilities of the Sergeant-at-Arms. In fact, the Committee believes that consideration should be given to assigning the responsibilities of this new position to the Sergeant-at-Arms.

Your Committee recommends that:

54. The precincts of the House be placed under the authority of a new and separate officer of the House who would report directly to the Speaker.

Your Committee further recommends that:

55. Section 94 of the Legislative Assembly Act be deleted and the following substituted therefor:

94. (1) The Speaker has control of the Legislative Building and the Legislative Annex.
- (2) The Lieutenant Governor in Council may make regulations designating the parts of the Ontario Government building known as the Whitney Block that shall form the Legislative Annex.
- (3) The security of the Legislative Building and the Legislative Annex shall be maintained in accordance with the Speaker's guidelines, and the Speaker shall establish and maintain such guidelines.
- (4) For the purposes of this section, the Legislative Building includes the entrances to the Legislative Building and the steps in front of the entrances.



## XX BOARD OF INTERNAL ECONOMY

Your Committee has heard considerable concern expressed by members with respect to the operation and membership of the Board of Internal Economy which is responsible for the internal management of the House. The work of the Board must become more open and members must be made aware of matters being considered by the Board which directly affect their work and interests.

The Committee believes that the membership of the Board should be restructured to provide for less representation by members of the Executive Council and an enhanced opportunity for private members to participate on the Board. The Committee does not believe that a member of a party who is such party's House Leader or Chief Whip should necessarily be a member of the Board. Private members nominated to be members of the Board should be elected by their respective caucuses for this purpose. The Committee also proposes that the number of ministers of the Crown on the Board be reduced from three to two, but that the majority of the members on the Board continue to be members of the Government caucus.

The Committee is firmly of the opinion that except in exceptional circumstances involving personnel matters or confidential contractual issues, all meetings of the Board of Internal Economy should be held in public and in a room of sufficient size to accommodate interested persons. As well, except in unusual circumstances, at least three day's notice should be given of all meetings and such notice, together with the details of the Board's agenda, should be posted throughout the Parliament Building.

The Committee has made certain recommendations with respect to the Deputy Speaker acting in the absence of the Speaker. The Committee is of the opinion that the Deputy Speaker should be a non-voting observer of the Board and, like the Clerk of the House, be invited to attend all meetings of the Board in order to be familiar with the matters before the Board in the event that he is called upon to act in the Speaker's place.



The Committee believes that it is no longer appropriate for the membership of the Board of Internal Economy, responsible as it is to the House for the internal management of the House, to be appointed by the Cabinet. Your Committee proposes that the Board consist of those persons nominated by the Executive Council and the respective party caucuses and that the membership of the Board be conveyed to the House by the Speaker.

The Committee is also of the opinion that the quorum on the Board should be four members, including the Speaker.

To dispell any doubt as to the authority of the Board to act following the dissolution of Parliament, the Committee proposes that every member of the Board continue in office after an election is called until another member is appointed in his place.

Your Committee also proposes that Standing Order 27 be amended to provide that members may question a designated member of the Board of Internal Economy about the work of the Board during oral Question Period. This procedure has been in place for some time in the United Kingdom House of Commons and has recently been provided for in the Standing Orders of the Canadian House of Commons.

Your Committee recommends that:

**56. Standing Order 27 be amended by adding the following new clause:**

**27. (j) Questions may also be addressed orally at the time specified in clause (a) to a member of the Board of Internal Economy designated by the Board.**

Your Committee further recommends that:

**57. Section 84 of the Legislative Assembly Act be deleted and the following substituted therefor:**

**84. (1) The Board of Internal Economy is continued and shall be**

composed of,

- (a) the Speaker, who shall head the Board;
  - (b) two persons appointed by the Lieutenant Governor in Council from among the members of the Executive Council;
  - (c) two persons appointed by the Government caucus from among the members of that caucus who are not members of the Executive Council;
  - (d) one person appointed by the caucus of the Official Opposition from among the members of that caucus; and
  - (e) one person appointed by the caucus having the third largest membership in the Assembly, other than a party referred to in clause (c) or (d), from among the members of that caucus.
- (2) Not later than the fifth day that the Assembly sits after a general election,
- (a) the Government House Leader shall inform the Speaker of the names of the members appointed to the Board by the Lieutenant Governor in Council; and
  - (b) each House Leader shall inform the Speaker of the name or names of the member or members appointed to the Board by the caucus of the House Leader's party.
- (3) Where a member of a party is appointed to the Board at any other time, the House Leader of the party shall

inform the Speaker of the name and appointment as soon as practicable after the appointment.

- (4) The Speaker shall inform the Assembly of the name and appointment of each newly-appointed member of the Board as soon as practicable after the Speaker is informed by the appropriate party House Leader.
- (5) A quorum of the Board consists of the Speaker and three other members of the Board.
- (6) The Deputy Speaker and the Clerk of the Legislative Assembly shall be given notice and the agenda of all meetings of the Board and may attend and participate in the discussion at any meeting of the Board.
- (7) Meetings of the Board shall be open to the public, except that the Board by resolution passed at a meeting may exclude the public from the meeting.
- (8) Members of the Board are entitled to notice of the time and place and the agenda of each meeting of the Board at least three days before the meeting.
- (9) Notice of the time and place and the agenda of each meeting of the Board shall be posted in public places in the Legislative Building and in the Legislative Annex at least three days before the meeting.
- (10) Subsection (8) and (9) do not apply in respect of a meeting at which the Board by resolution declares the existence of circumstances that necessitate the holding of the meeting with less than three days notice or without posting the notice and agenda of the meeting, or both.

- (11) The Board is not dissolved by dissolution of the Assembly, and a person who is an appointed member of the Board at the dissolution continues to be a member of the Board until the person's successor is appointed to the Board.



## XXI STANDING ORDERS

The Committee believes that it is important that the Standing Orders be translated into the French language as soon as possible. The translation of the rules of the House into the French language will greatly assist those members of the House whose first language is French in dealing with the procedures of the House.

Consequently your Committee recommends that:

58. The Clerk of the House have the Standing Orders translated into the French language as soon as possible and that any further amendment to the Standing Orders be printed in both the French and English languages.

## XXII COMMITTEES

During the past decade, the Ontario Legislature has undergone continuous review and reform, aimed principally at improving its effectiveness and the work of its members. Concern with parliamentary effectiveness, in Ontario and in other Westminster-style democracies, derives essentially from a problem common to all parliamentarians. As George Cunningham, M.P. (UK) has said:

That problem can be expressed this way: It is how you can take the elected representatives of the people, who are necessarily amateurs and not experts, and somehow organize things so that they are able to control and scrutinize the activities of modern activities which are so vast and so complex.

Significantly, Mr. Cunningham's remarks were made at the 1979 Canadian Regional Seminar of the Commonwealth Parliamentary Association held in Toronto on the subject of parliamentary committees. In Ontario and elsewhere, legislators are increasingly looking to committee reform as a means of fostering more effective legislatures. This section is aimed at streamlining and strengthening the committees of the Ontario Legislature.

In its 1978 Report on committees, the Select Committee on Procedure of the United Kingdom House of Commons premised its recommendations on the view that "a new balance must be struck" between the Executive and the Legislature. In Ontario this need was explicitly recognized with the establishment of the Commission on the Legislature (the Camp Commission) in 1972. The Commission's mandate to propose means of strengthening the Legislature and the role of the private member paralleled the work of the earlier Committee on Government Productivity, which concentrated on the Executive.

The Fourth Report of the Camp Commission (September, 1975) set out recommendations calling for a far-reaching restructuring of the Ontario committee system. By and large, few of the Commission's suggestions for changes have been implemented; the same may be said of the major proposals of the Select Committee on the Fourth and Fifth Reports of the Commission on the Legislature (the Morrow Committee).

The committee system of the Ontario Legislature has hardly been static. Indeed, it has changed enormously in recent years. At the most obvious level, the workload borne by committees has increased tremendously, but more significantly, the ways in which committees operate as well as the circumstances in which they find themselves have changed greatly over the past decade. Important changes have occurred even since the final report of the Commission on the Legislature (some of which, of course, came in response to the Commission's proposals). To take a few illustrations, the Library research unit has provided staff assistance to several committees; the Board of Internal Economy has developed a clear process for the funding of committees; referral of annual reports to committees under Standing Order 33(b) has in effect given the committees open terms of reference; and many committees have been chaired by members of opposition parties.

These changes have for the most part been unplanned and evolutionary, and it is for this reason that your Committee has undertaken a full-scale evaluation of the Ontario committee system.

An evaluation of this system logically begins with a clear understanding of the purposes committees serve. Committees are not created to serve their own ends, but to further the work of the Legislature. However, to observe that committees exist to enable the House to conduct its business more effectively and efficiently is not particularly helpful without a recognition of the purposes of the Legislature itself.

In Westminster-style parliamentary democracies, legislatures essentially serve six broad purposes:

1. To represent the people. Collectively members serve the public interest, while individually they represent their constituents in the legislature.
2. To vote the funds necessary for carrying on the government of the Province.
3. To recognize the government's rightful duty to govern by sustaining it in office and by authorizing its programme.



4. To provide the opposition with the opportunity of presenting itself as an alternative government.
5. To subject government to public scrutiny with respect to its policies and conduct of administration.
6. To serve as a forum for public debate, both among the parties, and between the parties and the wider public.

However, legislatures have a clear constitutional limitation on their power and must act within their constitutional authority. As the 1979 federal Government's White Paper, Reform of Parliament, stated, "The House of Commons does not govern". The power to govern clearly resides with the Cabinet.

In the context of its overall purposes and rules, the Legislature performs the following specific tasks: passing legislation; scrutinizing the activities of the Executive; maintaining accountability for the public funds; and redressing grievances.

As the role and power of modern governments have expanded, legislatures have been hard pressed to assert their constitutional responsibilities. The business before Parliament has grown so burdensome and time-consuming that only by delegating a substantial proportion of it to committees can parliaments hope to accomplish their work.

Committees do much more than simply permit the more efficient dispatch of parliamentary business. Not only has the sheer volume of business increased, but its character has changed substantially as well. The Legislature, in response to government involvement in social, cultural and economic affairs requiring complex legislation or policies, has been forced to deal with exceedingly complicated issues. Many of these issues necessitate the kind of detailed review that cannot in most instances adequately be performed by a large assembly, which tends to be more suitable for broad debate of policy principles. Committees are ideal vehicles for such detailed study and specialized debate.

The activities of such committees also highlight a further advantage of committees. They provide members with the opportunity of seeking advice and



information from interested and expert witnesses, including public servants. Of at least equal importance, committees enable the public to become actively involved in the parliamentary process through public hearings, both at Queen's Park and throughout the Province. This fostering of a dialogue between the governors and the governed is of absolutely fundamental importance.

Committee work permits, indeed encourages, members to familiarize themselves with the specific details of issues and to develop specialized policy interests. The expertise derived in this way not only benefits individual members but also serves to produce more informed debates in the House.

Thus, if the House does not govern, its effectiveness in fulfilling its tasks, as the 1979 White Paper recognized, depends on its ability to "poke and pry without hindrance into activities of those who do". In other words, "Parliamentarians should be able to effectively put the question "why" and "why not"." This approach needs to be incorporated in any proposed committee system. Again, in the words of the White Paper, it is "assumed that committees will conduct investigations embarrassing to the government of the day. . . ", and that the object of its proposed reforms "was to improve the accountability of government". The White Paper proposed to achieve this by giving committees more investigative initiative, by providing them with more staff resources and by stabilizing their membership by reducing committee size.

Finally, any restructuring of the Ontario committee system must bear in mind the observations made by the British Select Committee on Procedure on the primary purpose of the House. First, "Committees are not . . . an end in themselves, but are a means to secure greater surveillance of the Executive by Parliament". In making its proposals to restructure the British committee system, the Committee took "great care to weigh the advantages of a rational and effective committee system against the need to retain the Chamber as the focus of the political and legislative work of Parliament, and to protect, and if possible, enhance, the opportunities of the individual member to influence the decisions of the House". Similar concerns have guided the deliberations of this Committee.

These, then, are the principles on which the following recommendations are based.

The Camp Commission began its analysis of the committee system with an appraisal of the reasons for the success of select committees. The characteristics identified by the Commission as contributing to the effectiveness of select committees appear to this Committee to represent sound principles on which to base our entire committee system:

1. the scheduling of the work in a way that fosters the concentration of members' efforts on the question at hand;
2. the high level of staff assistance;
3. the specialization on a single subject; and
4. the relatively small size of committees.

### **Membership on Committees**

The Committee is of the opinion that for any new committee structure to function at maximum effectiveness, the membership on standing and select committees should be reduced to eight members. A reduction in the size of committees would reduce the need for substitution and would permit members an opportunity for greater specialization in particular subject-matters.

### **Policy Field Committees**

The policy field committees represent a good idea that simply has not worked well in practice. In a legislature of this size, a system of two dozen or more specialist committees is just not feasible, so that some grouping of ministries into broad committee mandates is necessary.

The apparent advantage of the current system is a limited one. The disadvantages, by contrast, are very substantial. The policy field committees are desperately overworked. At any specific time they will likely have before them several sets of Estimates, legislation (public and private) and special

studies (chiefly annual reports referred by Standing Order 33(b)). No institution can do everything well, so that it is hardly surprising that a single committee cannot perform all these tasks adequately. In addition, the overloading of so few committees often leads to severe scheduling bottlenecks, which frustrate members on both sides of the House.

The policy field committees are in fact little more than empty vessels which are filled, via substitution, with the appropriate members for each item of business. They might just as well be labelled "Committee A", "Committee B", and so on. To cite only two recent illustrations of how meaningless the 'policy field' aspect of these committees has become, Bill 17, An Act to revise the Election Act, was considered in the Members' Services Committee and the Estimates of the Ministry of Agriculture and Food and of the Ministry of Labour were considered in the General Government Committee.

In sum, the Committee sees little reason to perpetuate the policy field committees in their present form. Since each task currently performed by these committees - Estimates, legislation and special studies - calls for a different approach, the Committee proposes a different structure for each. In essence, the Committee suggests that the policy field committees be retained, but only for the review of policy, that legislation be considered in special legislation committees, and Estimates and financial matters be dealt with by an altogether new committee.

The Committee proposes that the four existing policy field committees be retained to review government policy and to undertake special studies. The statutory annual reports of ministries and agencies, boards and commissions of the Government would stand automatically referred to these committees and would serve as their terms of reference. It would be up to the committees themselves to define their mandates in relation to the ministries and agencies falling under their aegis. A committee may decide to do a special study on a matter which is of topical interest and present a short report to the House offering suggestions on the matter. As well, nothing would prevent the House from ordering a particular policy field committee to undertake a particular task.

It is not for this Committee to impose methods of operation for these policy committees, but it does wish to register one suggestion. An excellent way of



reviewing, indeed improving, policy would be for the committees to concentrate on one or two programmes rather than attempt to deal with the entire range of a ministry's policy. This procedure has already been followed with some success by Ontario committees. Among its advantages is the opportunity it provides for the committee to follow up its earlier recommendations. Such follow up is essential if committees are to enjoy effectiveness and credibility as policy watchdogs. To return to an earlier theme, as the Legislature does not govern, so its committees should not be initiating policy, but they should "poke and pry without hindrance into the activities of those who do".

At Westminster, apart from writing reports, the select committees are giving more attention to information gathering and to the continuous monitoring of the work of government departments. Much of this work is not widely noticed or reported. Ministers make long and frequent appearances before the committees to defend their policies publicly and the civil service has been more widely exposed to parliamentary examination. In the first three years, cabinet ministers made 100 appearances before the select committees and other ministers not in the Cabinet appeared 92 times. In one committee, during the same period, virtually every officer in the related department of under-secretary rank and above was examined.

These select committees have in varying degrees been able to establish a right to be kept informed by their departments and, through the co-operation of ministers and the civil service, a greater volume of information is placed at the committees' disposal. The most successful have been those committees which have fought a war of attrition. The committees that have made a deliberate effort to monitor continuously all of a department's activities have been able to wear down those civil servants who oppose the committee investigations. For their part, ministers have learned that the committees offer them a stage where they can put their points on the public record and outshine their interrogators, while the civil service has quickly taken the new opportunity to impress the committee members with their talents.

The Liaison Committee noted in a report that, as a result of the wider examination made by committees, the civil service has had an increased workload. However, the report noted that committees have been careful not to



ask for more evidence than is essential to their work. The original concerns about increased workload have diminished considerably as the civil service has had experience working with the committees. The Liaison Committee stated that it "believed that it has been an advantage from every point of view to introduce a greater degree of daylight into, and public discussion of, work that is normally done behind closed doors. ... (I)t is a matter of duty that those who constitute and support the Executive should be publicly answerable for their activities. If an extra workload derives from a reversal of an old tendency to work too much in private, so be it."

Your Committee believes that Ontario's policy field committees may also wish to consider this sort of approach to their work.

It might prove necessary to impose limits on the special studies conducted by the policy field committees, in terms of their duration, and in terms of the number underway at a given time. This would probably best be left until the system has been operating for some time.

Ministries would be under the aegis of the policy field committees as follows:

#### Standing Committee on Administration of Justice

- Ministry of the Attorney General
- Ministry of Consumer and Commercial Relations
- Ministry of Correctional Services
- Ministry of the Solicitor General

#### Standing Committee on General Government

- Ministry of Government Services
- Ministry of Intergovernmental Affairs
- Ministry of Revenue
- Ministry of Treasury and Economics
- Office of the Assembly
- Office of the Chief Election Officer
- Office of the Commission on Election Contributions and Expenses

Office of the Lieutenant Governor  
Office of the Ombudsman  
Office of the Premier and Cabinet Office  
Office of the Provincial Auditor

#### Standing Committee on Resources Development

Ministry of Agriculture and Food  
Ministry of Energy  
Ministry of the Environment  
Ministry of Housing  
Ministry of Industry, Trade and Technology  
Ministry of Labour  
Ministry of Municipal Affairs  
Ministry of Natural Resources  
Ministry of Northern Development and Mines  
Ministry of Tourism and Recreation  
Ministry of Transportation and Communications

#### Standing Committee on Social Development

Ministry of Citizenship and Culture  
Ministry of Colleges and Universities  
Ministry of Community and Social Services  
Ministry of Education  
Ministry of Health  
Ministry of Skills Development

Your Committee recommends that:

59. Standing Order 33(b) be amended by striking out the words "On the petition of twenty members any such report shall be referred to a standing or select committee of the House."
60. Standing Order 33(c) be deleted and the following substituted therefor:

33. (c) Statutory annual reports provided for in clause (b) shall be deemed to have been permanently referred to the appropriate standing committee.

Not all ministries or agencies of the government are required by statute to present an annual report to the House. The Committee recommends that the Government should bring forward legislation to require all such ministries and agencies to present an annual report to the House.

Therefore, your Committee recommends that:

61. The Government introduce legislation to require all ministries and agencies to present annual reports to the House.

## Legislation Committees

Your Committee cites with approval the following comments of the Special Committee on Reform of the House of Commons:

One of the most fundamental tasks of Parliament is the consideration of legislation. As government becomes more complex, and as the legislative load of Parliament increases, concerns are being expressed about the institution's capacity to meet the demands for a more efficient and at the same time more vigorous legislative process. These concerns include lengthy delays in the passage of important legislation.

The reality of the present situation is that whenever a bill is referred to a standing committee, the membership of the committee is changed to permit particular members to deal with particular bills. It is the Committee's view that this essentially ad hoc approach be rationalized and recommends that a new committee be struck to consider each bill referred by the House and that the committee be disbanded on completion of its review of the bill. Select committees on specific bills have been employed before in the Ontario Legislature to good advantage. The Camp Commission proposed the creation of just such ad hoc bill committees as a general principle, and of course this is the approach which the British have employed for years. A similar recommendation was adopted by the Canadian House of Commons in June of this year.

The fundamental principle underlying the recommendation is that bills should come before committees composed of interested and knowledgeable members and which are capable of reviewing the proposed statute thoroughly and expeditiously.

Some members of policy field committees may be concerned that they will be denied opportunities to scrutinize legislation if it is referred to another committee set up separately for that purpose. Your Committee suggests that it is desirable for these members to serve on both the policy field committee and the legislation committee. The Committee expects that committees on legislation will provide a further and more productive forum for as many



interested members as possible to participate in the legislative process, without this detracting from the ongoing scrutiny functions of policy field committees. In any event, any member of the House will be able to participate in the deliberations of a legislation committee as a non-voting member.

Your Committee believes that legislation committees ought to be regarded as smaller versions of the Committee of the Whole House charged with specific responsibility for the in-depth examination of legislation. At Westminster and in Ottawa, an independent and neutral panel of chairmen drawn up by the Speaker to chair committees on legislation has been a successful element of the British standing committee system. As neutral chairmen, members would be able to develop expertise in the procedures of the House and to meet together from time to time to ensure consistent practices in committee. The Committee expects that the Speaker would choose members from both sides of the House to serve on the Panel in proportion to the representation of the parties in the House.

The Committee wishes to emphasize that the new legislation committees would operate in precisely the same fashion as do committees which now study bills.

The Committee sees no need for all bills to be referred to standing or select committees as is the practice in Ottawa and Westminster. Many bills of a minor or non-controversial nature are well handled in the Committee of the Whole House. Conversely, though, the Committee does believe that the convention (for it is not a rule) that tax bills are only considered in the Committee of the Whole House has outlived any usefulness it may once have had.

Your Committee recommends that:

62. Standing Order 53(d) be amended by striking out "or Select" in the first line.
63. Standing Order 56(c) be amended by striking out "or Select" in the second and fifth lines.
64. Standing Order 57 be amended by striking out "or Select" in the first line.

65. Standing Order 59(c) be amended by striking out "or Select" in the first line.

## Estimates

In many respects, consideration of Estimates represents the most serious problem of the Ontario committee system, and not only because of the enormous amounts of time they consume.

On the one hand, committee review of Estimates provides members, particularly opposition members, with an extended opportunity to engage the minister and ministry staff in prolonged discussion, to elicit information from them, and to bring their own policy views before the Assembly and the public. Even if the public and the press tend to pay little attention to Estimates, members feel that the policy debates are useful.

The fact that members prefer to spend time allocated to Estimates in policy discussions and in raising constituency problems necessarily means that very little time is used for evaluating the dollar amounts set out in the Estimates, that is, the spending decisions underlying policy. In turn, this means that financial accountability to Parliament is extremely limited. The Public Accounts Committee fosters accountability, but only by examining past spending to ensure that mistakes are not repeated. No one in Parliament is seriously examining the more than \$26 billion of annual public expenditure before it is spent.

The comments of the Lambert Report on the weakness of Estimates review in Ottawa apply with equal force to Ontario:

Parliament has long been regarded as the guardian of the public purse. Because of its failure to live up to that expectation, over the past several years, Parliament must accept some share of the blame, along with the Canadian electorate, for the troubles that now beset us . . .

The key to Parliament's role as a body to which accountability is owed for the administration of government has always been the need for Parliament's approval of government expenditure and its power to review that expenditure. Parliament's ability to undertake this task both at the

time expenditure is proposed and after it has been made, must be reinforced and improved . . . we cannot agree that Parliament and the public are well served by a continued lack of attention to the content of the Estimates and the commitments expressed in them.

Many members lack the inclination to scrutinize thoroughly the detailed figures comprising the Estimates, yet surely this is no excuse for voting many billions of dollars with only the most cursory evaluation.

In grappling with these very issues, an Australian committee report concluded as follows:

There are two lessons to be learned from British and Canadian experience. The function of financial scrutiny should be entrusted to specialist committees, not added to the functions of other committees. Financial committees, if they are to effectively scrutinise public expenditure, should be required to avoid consideration of policy.

The Committee has come to agree with this analysis and therefore recommends that a Finance and Economic Affairs Committee be established, to which all Estimates would be referred. Since the policy discussions which now characterize the Estimates debate will be continued in a different forum, it should be possible for this committee to concentrate on the financial scrutiny of the Estimates. The Committee further proposes that this committee also concentrate on the broad overview of the fiscal position and priorities of the Government and its management of the economy. The Committee would also be an appropriate forum for the examination of papers, major tax legislation and related matters.

The work of this Finance and Economic Affairs Committee would be separate from that of the Public Accounts Committee, which would continue to review the Public Accounts and the Report of the Provincial Auditor and to ensure that public money is spent with due regard for economy, effectiveness and efficiency.

The Committee proposes that each recognized party select two ministry Estimates for detailed examination by the Finance and Economic Affairs Committee. The order in which these Estimates are considered and the amount of time to be devoted to each ministry's Estimates should be determined in



rounds as is currently done under Standing Order 47. All other Estimates would be required to be reported back to the House and such Estimates would then be deemed to be concurred in by the House. The Finance and Economic Affairs Committee would be required to report back to the House the Estimates of the six ministries, fifteen sitting days before the third Thursday in December of each year.

In a new departure like this, it will not be possible to indicate precisely what the Finance and Economic Affairs Committee would do, or how it would go about its business. To a certain extent, the committee would have to determine its own priorities and methods of operation. However, the Committee does wish to present at least an outline of its work. The Finance and Economic Affairs would not, of course, be able to review all Estimates in depth. Instead it would concentrate on a few sets each year. The committee would also review long term spending projections and economic forecasts, prepared by government and by independent institutes. As well, it would consider all aspects of provincial economic and fiscal policies, the relationship of certain expenditure programmes to the revenue side of the ledger, for example, the taxes generated (directly and indirectly) by subsidies to particular industries; options available to the Province in matters of municipal finances.

As this brief sampling of the Finance and Economic Affairs Committee's work suggests, its importance would lie not only in enhancing Parliamentary scrutiny over the disposition of public funds, but also in informing members of the complexities and details of modern public finance.

Although the general topic of committee staffing is discussed below, it is well to point out that even if its members are eager to look into the statistics of government finance, the Finance and Economic Affairs Committee could not hope to function without adequate staff assistance.

The Committee also proposes that in view of the reduction of time allotted to the Estimates, the Standing Orders be amended to provide three Opposition days designated by the Government in each of the Spring and Fall Terms for discussion of topics chosen by the opposition. This would be in addition to days allotted for non-confidence motions.



Your Committee recommends that:

66. Standing Orders 44, 45, 46, 47, 48, and 49 be deleted and the following substituted therefor:

44. All main Estimates shall be presented to the House not later than five days following the presentation of the Budget and shall be deemed to be referred to the Standing Committee on Finance and Economic Affairs.

45. (a) The Standing Committee on Finance and Economic Affairs shall consider the Estimates of six ministries or offices.

(b) Representatives from each of the recognized parties on the Committee beginning with the Official Opposition, followed by the party having the third largest membership in the House and finally the Government party, shall select one set of Estimates each, in two rounds, to be considered by the Committee.

(c) The allocation of time for each set of Estimates shall be determined by a majority of the members of the Committee.

46. All other Estimates not selected for consideration by the Standing Committee on Finance and Economic Affairs shall be reported to the House. The report of the Committee shall be deemed to be adopted and the Estimates shall be deemed to be concurred in.

47. (a) The Standing Committee on Finance and Economic Affairs shall report the Estimates referred to in Standing Order 45 no later than fifteen sitting days before the third Thursday in December of each year.

- (b) In the event that the Committee fails to report the said Estimates on the date provided for in clause (a), the Estimates shall be deemed to be reported to the House.
  - (c) There shall be an order for concurrence placed on the Orders and Notices paper respecting each of the six sets of Estimates reported from the Standing Committee on Finance and Economic Affairs. Each Order may be debated at a later sitting for not longer than 30 minutes. No amendment to the question may be moved, such debates to be in the House with the Speaker in the Chair and subject to the normal Standing Orders respecting debates in the House.
48. (1) All Supplementary Estimates shall be deemed to be referred to the Standing Committee on Finance and Economic Affairs as they are presented to the House.
- (2) The Committee shall only consider the Supplementary Estimates of the ministries or offices selected pursuant to Standing Order 45(a). All other Supplementary Estimates shall be reported back to the House. The report of the Committee shall be deemed to be adopted and the Supplementary Estimates shall be deemed to be concurred in.
49. (a) Before a minister's Estimates are considered the minister should provide advance briefing material to the members of the Standing Committee on Finance and Economic Affairs in a format to be determined by him and where possible he should also provide the latest Estimates of actual expenditures in the preceding fiscal year.
- (b) The chairman of the Standing Committee on Finance and Economic Affairs shall apportion the time available among the minister, opposition critics and other members.

- (c) Members shall adhere strictly to the Vote and Item under consideration.

Your Committee further recommends that:

67. The Standing Orders be amended by adding the following new Standing Order:

- 63a. (a) In each of the two periods provided for in Standing Order 2, three sitting days shall be allotted by the Government House Leader as Opposition Days.
- (b) The Official Opposition is entitled to two Opposition days and the recognized party having the third largest membership in the House is entitled to one Opposition day in each of the two periods provided for in Standing Order 2.
- (c) Motions on allotted Opposition Days may be moved, upon proper notice, and may relate to any matter within the jurisdiction of the Parliament of Ontario.
- (d) Debate on a motion under clause (c) shall be limited to one sitting day, including an allowance of ten minutes for taking the vote, for which purpose the Speaker shall interrupt the proceedings and put the question without further debate.
- (e) If a recorded vote is requested, the division bells shall be limited to 15 minutes.
- (f) No amendment may be made to a motion under this Standing Order.



### Specialist Committees

By and large, the existing small specialist committees should remain as they are; their broad permissive terms of reference within their own fields should not be changed. The Committee sees no need to alter the operation of the Public Accounts Committee, the Regulations and Private Bills Committee, or the Ombudsman Committee.

The Committee believes that a separate committee should be established to review the operation of all agencies, boards and commissions to which the government appoints some or all of the members. This task is currently performed by the Standing Committee on Procedural Affairs and Agencies, Boards and Commissions, but only because other committees are too overburdened to take on this important work. This is not a job for a committee primarily concerned with reviewing the practices and procedures of the Assembly. The work of the Government Agencies Committee would be separate from that of the policy field committees. Its prime function would be the review of agencies for "possible overlapping and redundancy" (the phrase found in the Procedural Affairs Committee's terms of reference) and for possible 'sunsetting'. The policy field committees would be responsible for evaluating the content of the policy, while the Government Agencies Committee would concentrate on administrative rationality, together with the fostering of increased government responsibility and agency accountability. The work of this Committee over the past eight years has demonstrated that it is possible, and indeed very beneficial, to maintain this distinction.

The Committee proposes that the Members' Services Committee be abolished and its responsibilities be assigned to the Procedural Affairs Committee. In line with the Committee's recommendations in its Report on Television Coverage of the Proceedings of the Legislative Assembly, the Committee proposes that the Procedural Affairs Committee's terms of reference be further expanded to permit it to act as an advisory committee on the television broadcast system and to conduct reviews, at least on an annual basis, of the television system and guidelines.



## Select Committees

To this point, no recommendations have been put forward with respect to select committees. In large measure, this reflects the reality that the dividing line between standing and select committees has become extremely blurred. Nothing in the proposals for restructuring the committee system would prevent the Legislature from establishing select committees on specific topics - free trade, Ontario Hydro, or anything else - for specified periods of time, or on an indefinite basis. In all likelihood, however, the flexibility of the new committee structure will minimize the need for such committees.

## Staffing

No one will dispute the contention that effective committee work is heavily dependent on staff support. The issues are simply too complex, and the competing demands on Members' time too great, for committees to function effectively without the research, screening of witnesses, summarizing of testimony and related services that staff can provide.

Having said this, the Committee wishes to emphasize that it has no intention of innundating committees with hoardes of staff. The word "staff" may of course be singular or plural, and in most cases the Committee would expect a committee's staff to consist of the clerk of the committee, who is the chief procedural and administrative advisor to the committee, and one other person perhaps on a part-time basis. It is important to stress that staff work can supplement the work of the members, but can never replace it. The onus will, as ever, rest with the members, staff or no staff.

An increasingly important source of assistance to committees has been the Research Service of the Legislative Library. The research officers in this bureau have already demonstrated that they can offer a broad range of professional services to committees through specific research requests and through long-term and short-term secondments. The Legislative Research Service is undergoing a further expansion which will enable it to provide a substantial portion of the committees' staff requirements. However, committees should not be tied to one

source of staffing. To do so would limit flexibility and reduce opportunity for innovative staffing alternatives which will emerge as each committee addresses its own requirements.

The other direction in which the Committee would propose staffing to move is greater recourse to employment of full-time specialist staff on a contract basis. The Committee notes that the select committees of the House of Commons in London retain committee assistants on a two to four year contract basis to prepare questions and background papers for the committees and to assist the Chairman and the Clerk of the Committee with the preparation of a committee's draft report. Such staff have indicated that they believe that on the expiry of their contract, new staff should be retained who would bring to the committees fresh ideas and a different approach to the issues.

Other potential sources of staff include private consultants, government ministries and the academic community. At Westminster, professionals of the highest reputation have lent their expertise to the select committees at modest cost. These persons are appointed on an ad hoc basis to provide professional or expert advice to the committees. Most committees appoint a panel of four or five of these advisors from whom advice can be received on short notice. Such assistance has been extremely helpful and has helped to enhance the prestige of the committees.

The Committee further proposes that the provision of specialist assistance to committees, other than from the Legislative Research Service, as well as the organization and delivery of support services would be improved by the creation of a Committees Branch within the Office of the Clerk. This Branch would be modelled on the Committees and Private Legislation Branch of the House of Commons. Establishment of a Committee's Branch would essentially require the reorganization of existing services and personnel. Beyond the addition of one or two lawyers and two to three economists for the Finance and Economic Affairs Committee, the only growth it would occasion would result from greater reliance on contract employees in place of counsel and consultants retained on an hourly or per diem basis. The Committee recommends that the Clerk of the House retain on an interim basis, a research co-ordinator to assist the chairmen,

members and clerks of the committees in identifying staff needs and in acquiring appropriate research services.

Committees such as the Procedural Affairs Committee would not normally require staff assistance, nor would the policy field committees, except when carrying out special studies. However, the staff pooling arrangements suggested in this report would permit sufficient flexibility to deploy staff wherever needed for any period of time, at fairly minimal cost.

Committees should and must be the ultimate decision makers on the size and type of staff they require. However, although there is room for improvement in current levels of staff support for committees, the committees should exercise discretion and good judgement in exercising their authority to hire committee staff. The committees will continue to be accountable to the Board of Internal Economy to ensure that such services are within the limits set out in financial policies by the Board of Internal Economy.

The Committee recommends that:

68. **A Committee's Branch be established within the Office of the Clerk to provide specialist assistance and other support services for committees.**

### **Terms of Reference and Committee Powers**

It would seem advisable to follow the lead of Ottawa, Westminster and other provincial jurisdictions, and incorporate the terms of reference for as many committees as possible into the Standing Orders. This would make the committees' ground rules more accessible to the members and to the public than is the case with the current practice of appointing committees anew each Session (whose terms of reference must therefore be sought in the Votes and Proceedings). The Standing Orders are not, of course, carved in stone, and may be altered by a simple majority on a motion with notice, so that it would be no more difficult to amend committees' terms of reference than it is at present.



Since most committee staffing requirements would be met internally through the Committees Branch and Legislative Research Service, it would not normally be necessary for committees to hire their own staff. In any event, any request for funding for staff would have to come before the Board of Internal Economy for approval (as is the case at present), so that no control would be lost and some clarity gained by including in the committees' terms of reference a blanket authorization to engage staff, subject to the approval of the Board of Internal Economy.

A similar logic applies to travel. All committees currently wishing to travel must have their budget approved by the Board, so that it seems redundant to require permission of the House for committee travel. The Committee agrees with the Camp Commission and the Morrow Committee that the committees should be free to travel within Ontario, again subject to the financial approval of the Board of Internal Economy.

The Camp Commission also proposed that committees be free to set their own time of meeting. The Committee believes, however, that the current practice whereby the House determines a schedule of permissible committee meeting times is necessary and has worked well on the whole. The principal object of this device is the minimization of competition for members' between the House and its committees, and among committees.

Your Committee recommends that:

69. The terms of reference for each committee should be incorporated into the Standing Orders.
70. The Standing Orders should authorize all committees to hire staff and to adjourn from place to place in Ontario, subject to financial approval of the Board of Internal Economy.



## Chairmanships

Your Committee recommends that the chairmanships of the policy field and specialist standing committees be distributed in proportion to the representation of the recognized parties in the House. Failing concensus on the distribution of chairmanships of these committees, the parties should choose which committees they wish to be chaired by one of their own members in rounds, through the House Leaders, as follows: the Government first, followed by the Official Opposition and other recognized opposition parties in order of their membership in the House, and then in rotation until the distribution of the chairmanships is complete.

The proposed amendments in this section to the Standing Orders are intended to clarify or codify existing practice respecting the committees of the Whole House and to set out the proposals recommended by the Committee in the preceeding paragraphs.

Your Committee recommends that:

**71. Standing Orders 83, 84, 85, 88, 89, 91 and 92 be deleted and that the Standing Orders be amended by adding the following new Standing Orders:**

**83. Within the first five sitting days of the first Session of each Parliament, a Striking Committee to be composed of the Deputy Speaker as chairman and the Chief Whip of each recognized party, shall be appointed for the Parliament whose duty it shall be to prepare and report to the House lists of members to compose the standing committees of the House. The reports of the Striking Committee shall be deemed to be adopted upon presentation to the House.**

**84. Within the first ten sitting days following the commencement of each Session in a Parliament the membership of the following standing committees shall be appointed for the duration of the Session:**

- (a) Standing Committee on Administration of Justice;
- (b) Standing Committee on General Government;
- (c) Standing Committee on Resources Development;
- (d) Standing Committee on Social Development;
- (e) Standing Committee on Finance and Economic Affairs which is empowered to consider and report to the House its observations, opinions and recommendations on the fiscal and economic policies of the Province and to which the Estimates and all related documents shall be deemed to have been referred immediately the said documents are tabled.
- (f) Standing Committee on Government Agencies which is empowered to review and report to the House its observations opinions and recommendations on the operation of all agencies, boards and commissions to which the Lieutenant Governor in Council makes some or all of the appointments, and all corporations to which the Crown in right of Ontario is a majority shareholder, such reviews to be made with a view to reducing possible redundancy and overlapping, improving the accountability of agencies, rationalizing the functions of the agencies, identifying those agencies or parts of agencies which could be subject to sunset provisions, and revising the mandates and roles of agencies.
- (g) Standing Committee on the Ombudsman, which is empowered to review and consider from time to time the Reports of the Ombudsman as they become available; And, as the Committee deems necessary, pursuant to the Ombudsman Act, section 16(1), to formulate general rules for the guidance of the Ombudsman in the exercise of his functions under the Act; And, to report thereon to the Legislature and to make such recommendations as the Committee deems appropriate.

- (h) Standing Committee on Procedural Affairs which is empowered to review on its own initiative or at the request of the Speaker or the direction of the House and to report to the House its observations, opinions and recommendations on the Standing Orders of the House and the procedures in the House and its committees; To advise the Speaker and the Board of Internal Economy, and to report to the House its observations, opinions and recommendations on the administration of the House and the provision of services and facilities to members; And to act as an advisory body to the Speaker and the House on the television broadcast system and to conduct reviews, at least on an annual basis, of the televising of the legislative proceedings and of the guidelines established by the House with respect to the television broadcast system.
- (i) Standing Committee on Public Accounts which is empowered to review and report to the House its observations, opinions and recommendations on the Report of the Provincial Auditor and the Public Accounts, which documents shall be deemed to have been permanently referred to the Committee as they become available; and
- (j) Standing Committee on Regulations and Private Bills to be the Committee to which all Private Bills, other than Estate Bills or Bills providing for the consolidation of a floating debt or renewal of debentures, other than local improvement debentures, of a municipal corporation, shall be referred after First Reading; And, to be the Committee provided for by section 12 of the Regulations Act, and having the terms of reference as set out in that section, namely: to examine the regulations with particular reference to the scope and method of the exercise of delegated legislative power without reference to the merits of the policy or objectives to be effected by the regulations or enabling statutes, but in so doing regard shall be had to the following guidelines:



- (1) Regulations should not contain provisions initiating new policy, but should be confined to details to give effect to the policy established by the statute;
- (2) Regulations should be in strict accord with the statute conferring of power, particularly concerning personal liberties;
- (3) Regulations should be expressed in precise and unambiguous language;
- (4) Regulations should not have retrospective effect unless clearly authorized by statute;
- (5) Regulations should not exclude the jurisdiction of the courts;
- (6) Regulations should not impose a fine, imprisonment or other penalty;
- (7) Regulations should not shift the onus of proof of innocence to a person accused of an offence;
- (8) Regulations should not impose anything in the way of a tax (as distinct from fixing the amount of a licence fee, or the like); and
- (9) General powers should not be used to establish a judicial tribunal or an administrative tribunal;

And, the Committee shall from time to time report to the House its observations, opinions and recommendations as required by section 12(3) of the Regulations Act, but before drawing the attention of the House to a regulation or other



statutory instrument the Committee shall afford the ministry or agency concerned an opportunity to furnish orally or in writing to the Committee such explanation as the ministry or agency thinks fit.

85. (a) As many standing committees on bills shall be appointed as may be necessary for the consideration of such bills as may be referred by the House after second reading.
  - (b) Within three sitting days of a bill being referred to a standing committee, the Striking Committee shall prepare and report a list of members to compose a standing committee on the bill.
  - (c) At the commencement of each Session, the Speaker shall appoint no fewer than ten members, and from time to time additional members, to act as chairmen of standing committees to which public bills are referred. The members appointed under the provisions of this Standing Order, together with the Chairman of the Committees of the Whole House and the Deputy Chairman of Committees of the Whole House, shall constitute the Panel of Chairmen.
  - (d) A standing committee appointed to examine and enquire into a bill referred to it by the House shall be empowered to report the same with or without amendments or to report that the bill be not reported, provided that when such a committee has reported the bill, which it was created to examine, it shall cease to exist.
86. (a) Standing committees shall be severally empowered to examine, enquire into and report from time to time on all such matters as may be referred to them by the House.

- (b) Except when the House otherwise orders, each standing or select committee shall have power to send for persons, papers and things.
87. (a) Select committees of the House may be appointed for any purpose or to consider any matter referred to them.
- (b) The motion to appoint a select committee may contain the names of the members proposed to be members of the committee and such motion is subject to amendment.
  - (c) No standing or select committee shall consist of more than eight members and the membership of such committees shall be in proportion to the representation of the recognized parties in the House.
  - (d) Any member appointed to a standing or select committee may, at any time afterwards, be discharged by order of the House from attending the committee and another member appointed.
  - (e) A temporary substitution in the membership of a standing committee may be made provided a notification thereof, signed by the member acting as the Whip of a recognized Party, is filed with the Clerk of the Committee either before or within thirty minutes of a committee meeting being called to order.
88. The Clerk of the House shall post in the Legislative Building a list of members serving on each standing and select committee.
89. Within ten sitting days following the appointment of the membership of the standing committees, the Clerk of the House shall convene a meeting of each standing committee for the purpose of electing a chairman and vice-chairman.

90. (a) The chairmanships of the standing committees set out in Standing Order 84 shall be distributed in proportion to the representation of the recognized parties in the House.
- (b) Failing concensus on the distribution of the chairmanships of these standing committees, the recognized parties in the House shall choose which committees they wish to be chaired by one of their own members in rounds, through the House Leader, as follows: the government first, followed by the Official Opposition and then the other recognized opposition parties in order of their membership in the House, and then in rotation until the distribution is completed according to the number of chairmen from each recognized party as determined in clause (a).
91. Each standing committee shall elect a chairman and a vice-chairman at its first meeting in each Session and, if necessary, during the course of a Session.
92. Upon a written request signed by any four members of a standing or select committee, the chairman of the committee shall convene a meeting of the committee within ten sitting days following the receipt of such request by the Clerk of the Committee. The reasons for convening such a meeting shall be stated in the request.
93. The Clerk of each standing and select committee shall attend each meeting of the committee and shall record the names of the members of the committee present at each meeting in the Minutes of Proceedings.
94. (a) A majority of the members of a standing or a select committee, including the chairman, shall constitute a quorum.



- (b) Any committee may authorize the chairman to hold meetings to receive evidence when a quorum is not present.
  - (c) If at any time during the sitting of a standing or select committee the chairman of the committee is advised by a member of the committee that a quorum is not present, the chairman shall, upon determining that a quorum is not present, suspend the proceedings of the committee; if no quorum is present at the expiration of ten minutes, the chairman shall adjourn the committee to the next scheduled sitting of the committee.
  - (d) Whenever the Chairman of a standing or select committee adjourns the committee for want of a quorum, the Clerk of the Committee shall record the time of the adjournment and the names of the members then present in the Minutes of Proceedings.
95. Except by unanimous consent of the committee, no standing or select committee may sit beyond 10:30 o'clock p.m. when the House is in Session.
96. In any standing or select committee, the Standing Orders of the House shall be observed so far as may be applicable, except the Standing Orders limiting the number of times of speaking.
97. The chairman of a standing or select committee shall maintain order in the committee and decide all questions of order subject to an appeal to the committee; but disorder in a committee can only be censured by the House on receiving a report thereof.
98. (a) Standing and select committees may adjourn from place to place in Ontario.



- (b) Standing and select committees shall be severally empowered to retain the services of expert, professional, technical and clerical staff as may be deemed necessary.
  - (c) A standing or select committee shall not incur any expenses related to matters referred to in clauses (a) and (b) until a budget for such expenditures has been approved in whole or in part by the Board of Internal Economy.
99. (a) At the beginning of each fiscal year or as soon as possible thereafter, the Clerk of a standing or select committee shall prepare a budget at the direction of the committee and the chairman of the committee, or a member acting for the chairman, shall present to the Board of Internal Economy for its approval in whole or in part, the budget adopted by a majority of the committee setting forth in reasonable detail estimates of its proposed expenditures for the fiscal year.
- (b) When the expenditures of any such committee have reached the limits set forth in any such budget, the chairman shall present to the Board of Internal Economy, for its approval in whole or in part, a supplementary budget or budgets.
  - (c) The Clerk of a standing or select committee shall administer and monitor the expenditures of any such committee and shall advise the committee if expenditures are likely to exceed the budget approved by the Board of Internal Economy.
100. (a) Unless otherwise ordered, standing or select committees shall have the power to appoint sub-committees which shall have power to report from time to time to the committee.

- (b) Every such sub-committee shall be appointed by motion, such motion specifying the terms of reference, the membership of the sub-committee and the number of members required to constitute a quorum.
101. Any member of the House who is not a member of a standing or select committee may, unless the House or the committee concerned otherwise orders, take part in the public proceedings of the committee, but may not vote or move any motion, nor be part of any quorum.
102. On a division being called in the House, the chairman of a standing or select committee shall suspend the proceedings in the committee for such time as will in his opinion enable members to vote in the division in the House and return to the committee.
103. (a) When a division takes place in a standing or select committee, the Clerk of the Committee shall record in the Minutes of Proceedings the question proposed, the name of the proposer, and if requested by any member, the vote of each member present.
- (b) When members are called in for a division, there may be a maximum wait of twenty minutes before the vote is recorded.
104. The chairman of a standing or select committee shall not vote except in the case of a tie, when the chairman shall give a casting vote.
105. (a) The report of a standing or select committee is the report as determined by the committee as a whole or a majority thereof.
- (b) No minority report may be presented to or received by the House.

- (c) Every member shall be permitted to indicate in a report that he dissents from a particular recommendation or comment within the report. The committee shall permit a member to express the reasons for his dissent within its report.
- (d) The report as agreed to shall be signed by the chairman, on behalf of the committee, and shall be presented to the House by the chairman or by another member of the committee authorized by the chairman or the committee.

#### COMMITTEES OF THE WHOLE HOUSE

- 106. (a) When an Order of the Day is read for the House to resolve itself into a Committee of the Whole House, the Speaker shall leave the Chair without a question put, and the House shall thereupon resolve itself into a committee.
- (b) When the Speaker has left the Chair, the Mace shall be placed under the Table and the Chairman of the Committees of the Whole House shall take the Chair of the Committee at the Table.
- 107. The Standing Orders of the House shall be observed in Committees of the Whole House so far as may be applicable, except the Standing Orders limiting the number of times of speaking.
- 108. The chairman shall maintain order in a Committee of the Whole House and decide all questions of order subject to an appeal to the House; but disorder in a Committee of the Whole House can only be censured by the House on receiving a report thereof.
- 109. A Committee of the Whole House may not adjourn its own sitting or the consideration of any matter to a future date, but



this standing order shall not affect the application of Standing Order 10.

110. A motion may be moved during the proceedings of a Committee of the Whole House that the chairman report progress and ask for leave to sit again, and such question shall be put forthwith and decided without amendment or debate.

111. (a) A motion that the chairman of a Committee of the Whole House leave the Chair is always in order and shall be put forthwith and decided without amendment or debate.

(b) If such a motion is carried, further proceedings of a Committee of the Whole House on the matter or bill then under consideration shall be superceded; but the matter or bill may, on motion with notice, be revived and the proceedings shall be resumed at the point where they were interrupted. Such a motion shall not prejudice or in any way affect any other matters or bills referred to the Committee of the Whole House.

(c) If such a motion is defeated, no other such motion shall be made unless some intermediate proceeding has taken place.

Your Committee recommends that:

72. Standing Orders 86 and 87 be renumbered 112 and 114 respectively.

Your Committee recommends that:

73. All Standing Orders subsequent to the current Standing Order 91 be renumbered accordingly.



### XXIII CONFIDENCE CONVENTION

During the period following the signing of the "Agreement for a Reform Minority Parliament" by the leaders of the Ontario Liberal Party and the Ontario New Democratic Party and leading up to the vote on the Address in Reply to the Speech from the Throne on June 18, 1985, considerable discussion took place at the Legislature, in the Press and across the Province on the issue of confidence. The Committee believes that it is important that the House carefully consider the confidence convention. The Committee agrees with the Special Committee on Reform of the House of Commons which stated in its final report that "attitudinal changes are required on the part of governments, the leadership of parties, and private members themselves" with respect to the confidence convention.

The major premise of responsible government is that the government enjoys the confidence of a majority in the Legislative Assembly. Responsible government requires that ministers of the Crown acting collectively as the Cabinet or individually are responsible for their actions to the elected legislature. There are three elements in the doctrine of ministerial responsibility. First, there is the responsibility of a minister to the Queen or her representative in the Province. Governments are not elected but appointed and ministers serve not for a specific period but until they die, resign or are dismissed. Second, the individual responsibility of a minister to the House requires that a minister should resign where there is personal culpability on the part of a minister with respect to either his private or public conduct. The third element involves the collective responsibility of the cabinet to the House. If the Government loses the confidence of the House, it must relinquish power unless it is granted a dissolution and is returned at a general election.

The Committee is concerned with the development of a constitutional myth that every vote is a test of confidence. In fact, the experience of the United Kingdom, Canadian and Ontario Parliaments reveal that a lost vote does not mean the automatic resignation of the government. The government does not cease to govern. It may simply be forced to modify or abandon some of its policies in deference to the House.

The House of Commons Special Committee report makes some interesting comments on the issue of confidence. The report states:

Recent British experience makes it clear that at present losing a vote, even on a financial measure, is not automatically a matter of non-confidence entailing either resignation of the government or a dissolution of the Commons. The government can decide how it will treat its loss. Whatever a government may say or imply in order to intimidate its own parliamentary supporters, a lost vote in itself does not involve resignation or dissolution.

The same phenomenon of lost votes that took place in Great Britain in the 1970s was also evident in Canada during the same period, and to a lesser extend, even earlier. At the start of the first session of the twenty-ninth parliament Prime Minister Trudeau said, "Some things for us will be questions of confidence. Some things would mean the demise of government . . . But I hasten to add that other questions, if they go against us, will not be interpreted by the government as a defeat of the government. We shall accept amendments".

The minority government of Pierre Trudeau lost eight of eighty-one recorded votes between 1972 and 1974. Setting aside the vote of May 8, 1974, which brought down the government, four of the lost votes were on government bills, two were on motions pertaining to parliamentary committees, and one was on a supply item, specifically on a supplementary estimate of \$19,000 for Information Canada.

The minority governments of Lester Pearson lost three votes. Two were on appeals of a ruling made by the Speaker. The third came on February 19, 1968. A vote ended with the defeat on third reading of Bill C-193 respecting income tax. This vote was regarded as sufficiently serious to require the government to introduce a motion to the effect that the House did not consider its vote of February 19 as a vote of non-confidence in the government. The motion was passed, after debate, on February 28.

In Ontario, during the period of minority government from 1975 to 1981, there were a number of occasions on which the issue of confidence arose. On June 15, 1976, a reasoned amendment to the motion for second reading of Bill 96, An Act respecting Farm Income Stabilization, was carried. The following day, the Government brought in a motion which stated that "the Government continues to enjoy the confidence of the House", which motion was carried.

On April 28, 1977, the Government advised the opposition parties by letter that an amendment to Bill 28, An Act to amend the Residential Premises Rent Review Act, 1975 (2nd Session), to lower rent controls from 8 to 6 per cent "would be an expression of a serious lack of confidence in the economic and social programme of the government, which the government would take very seriously indeed." The rent guideline provisions in the Bill were subsequently amended from 8 to 6 per cent and the Government, treating the issue as a matter of confidence, sought and received dissolution of the House.

On June 10, 1980, the motion for second reading of Bill 47, the Metropolitan Police Force Complaints Project Act, 1980, was defeated. The Government neither resigned nor sought an election.

On June 18, 1985, the Government was defeated on a specifically worded motion of non-confidence in the Government (the motion amended the motion for an Address in Reply to the Speech from the Throne). The Premier submitted his Government's resignation on the following day. Two weeks later, the new Premier moved a motion providing that "the Government enjoys the confidence of the House." The intent of this motion was to secure the support of the House for the new government at the earliest opportunity following its appointment.

It is clear from the examples cited above that a government that has lost a vote in the House on a matter of confidence must either resign or ask for dissolution. A government that has lost a vote on some other matter may remain in office and may choose to ask for a vote of confidence.

The Committee proposes that the Standing Orders be amended to more clearly define situations which are questions of confidence. Members from all sides of the House should be able, without fear of retribution, to amend or defeat clauses



in bills, to reduce items in the Estimates as a mark of disapproval of the administration or of a particular programme, to vote to adopt committee reports which are critical of the activities and administration of the government, or to reject proposed legislation outright. Responsible government does not break down and government does not become unworkable when the Government concedes a greater amount of independence to individual members.

The Report of the Special Committee on Reform of the House of Commons places government defeats into the following three categories:

A government defeated on a vote of confidence is expected to resign or seek a dissolution. Three types of votes can be termed confidence votes. First, there are explicitly worded votes of confidence. These state expressly that the House has or has not confidence in the government. Next are motions made votes of confidence in the government. The government may declare that if defeated on a particular motion before the House, even one that is not an explicitly worded vote of confidence, it will resign or seek a dissolution. Then there are implicit votes of confidence. Traditionally, certain matters have been deemed to involve confidence, even though not declared to be so by the prior statement of the government. Falling within this category is the granting of supply. Failure to grant supply is regarded as the established means by which the House can demonstrate its lack of confidence in the ministry. However, it should be noted that a single defeat on a specific estimate would not in itself constitute a vote of non-confidence. In fact, because of the multiplicity of votes on all the aspects of supply, this is largely a category that has fallen into disuse. One could argue that this type of defeat actually belongs in the category of defeats that are not votes of confidence. (As well, it may be said that the defeat on a financial or budget bill does not in itself constitute a vote of non-confidence unless the Government states that it is a matter of confidence prior to any vote on the bill.)

The second category is lost votes on items central to government policy but not made matters of confidence prior to the vote. The government in



this case can either seek an explicit vote of confidence from the House or resign or request a dissolution. If the government opted for resignation or asked for dissolution, this would make the lost vote one of confidence retrospectively. There should normally be few votes that fall into this category.

The last group is votes on items not at the heart of government policy; these are obviously the most numerous during any parliament. Although a lost vote on second reading of a major bill might fall within the second category mentioned above, a loss on one or more of the many divisions during the committee and report stages would usually fall within this third classification.

The Committee is firmly of the opinion that there must be a change of attitude on the part of all members and all parties of the House. The party forming the Government and the opposition parties must relax their discipline over their supporters in the House. Within the parties, the Committee understands that there is a need for agreement on major party policies and principles. However, the Committee believes that there must be room for divergence of opinion on specific issues, matters of conscience and matters of detail. Rigid party discipline must be relaxed and reasonable latitude, consistent with loyalty to the party, should be permitted to individual members of any party.

A change in attitude on the part of all members towards the issue of confidence would go a long way to making the role of the private member more meaningful. Parliamentary government itself would become more effective, the House would become more vital and members would have a significant role in influencing policy.

Your Committee recommends that:

74. The Standing Orders be amended by adding the following new Standing Order:

#### XVII. CONFIDENCE

- 95b. The following matters shall be considered to be questions of confidence in the Government:

- (1) the defeat of a motion for interim supply;
- (2) the defeat of a supply bill;
- (3) the defeat of the Budget motion;
- (4) explicitly worded motions of want of confidence in the Government;
- (5) the defeat of a vote on an item which the Government has declared in advance of the vote to be a matter of confidence in the Government; and
- (6) the defeat of a motion that the Government enjoys the confidence of the House.

Finally, the Committee wishes to quote several observations offered by the Special Committee of the House of Commons on the confidence question:

- A government should be careful before it declares or designates a vote as one of confidence. It should confine such declarations to measures central to its administration.
- While a defeat on supply is a serious matter, elimination or reduction of an estimate can be accepted. If a government wishes, it can designate a succeeding vote as a test of confidence or move a direct vote of confidence.
- Temporary loss of control of the business of the House does not call for any response from the government whether by resignation or by asking for a vote of confidence.
- In a parliament with a government in command of a majority, the matter of confidence has really been settled by the electorate. Short of a reversal of allegiance or some cataclysmic political event, the question of

confidence is really a fait accompli. The government and other parties should therefore have the wisdom to permit members to decide many matters in their own deliberative judgement. Overuse of party whips and of confidence motions devalues both these important institutions.

## XXIV PUBLICATIONS

Section 53 of the Legislative Assembly Act provides:

53. Where the Assembly has adopted the report of a committee of the Assembly recommending the purchase of any publication for the use of the members of the Assembly or for other persons, the publication may be purchased by the Treasurer of Ontario and distributed according to the recommendations of the report, and the cost thereof shall be paid out of any sum appropriated by the Legislature for stationery, printing and binding.

The Committee is of the opinion that this provision is obsolete and should be repealed.

Your Committee recommends that:

75. Section 53 of the Legislative Assembly Act be repealed.



## XXV IMPLEMENTATION

Your Committee proposes that following debate in the House on the Committee's report, the Government House Leader should bring before the House, after consultation, a motion for the adoption of provisional Standing Orders which incorporate the changes agreed to by the House. Your Committee recommends that the amendments to the Legislative Assembly Act be made before the House rises late in December.

In the event that this report is debated and adopted before Monday, March 3, 1986, your Committee recommends that the changes to the Standing Orders should be implemented for an experimental period commencing March 3, 1986, and ending on December 18, 1986. The Provisional Standing Orders would lapse at midnight on December 18, 1986, unless the House adopted a motion to make such provisional Standing Orders permanent.

Your Committee recommends that:

76. Unless otherwise ordered, the Provisional Standing Orders shall be in effect during the period commencing at 12:01 o'clock a.m. on Monday, March 3, 1986, and concluding at 12:00 o'clock midnight on Thursday, December 18, 1986.
77. The Clerk of the House be authorized and instructed to print a revised and renumbered edition of the Standing Orders integrating the Provisional Standing Orders and making any necessary amendments in consequence thereof.

## XXVI SUMMARY OF RECOMMENDATIONS

1. The Standing Orders be amended by adding the following new Standing Orders:
  - 1a. The election of the Speaker shall be conducted in the following manner:
    - (a) At the opening of the first Session of a Parliament, or whenever the office of the Speaker becomes vacant, a member, addressing himself to the Clerk, shall propose some member to the House to be Speaker and shall move that such member "Do take the Chair of this House as Speaker," which motion shall be seconded.
    - (b) A member when nominated and seconded shall inform the House whether he accepts the nomination.
    - (c) The Clerk shall then ask "Are there any further nominations?", and if there are no further nominations, the Clerk shall say "I declare the nominations closed". The Clerk shall then, without question put, declare the member so proposed and seconded to be elected as Speaker. Such member shall be conducted to the Chair by his proposer and seconder, and shall take the Chair of the House as Speaker.
    - (d) If more than one member is proposed as Speaker, the Clerk shall, after the second nomination and after each subsequent nomination, if any is made and seconded, ask: "Are there any further nominations?", and if there are no further nominations, the Clerk shall say, "I declare the nominations closed".
    - (e) Members present in the Chamber shall be provided with ballot papers by the Clerk.
    - (f) When only two members are nominated and seconded as Speaker, the election shall be conducted as follows:
      - (1) Each member wishing to do so shall deposit in a ballot box on the Table a ballot paper on which is printed the name of the candidate for whom he votes.
      - (2) Once all members wishing to vote have deposited their ballot papers, the votes shall be counted by the Clerks-at-the Table. The First Clerk Assistant shall provide the Clerk with the name of the member who has received the greater number of votes.

- (3) The Clerk shall then declare such member to be elected as Speaker.
- (g) When more than two members are nominated and seconded as Speaker, the votes shall be conducted in the manner prescribed in clauses (e) and (f) and the member who has received a majority of the votes cast shall be Speaker. In the event of no member having received a majority of the votes cast, the name of the candidate having the smallest number of votes shall be excluded from subsequent ballots, and a further ballot shall take place. This balloting shall continue until one candidate is declared to be elected as Speaker by such majority.
- (h) In the event of an equality of votes, the Clerk shall cause a further ballot to be taken.
- (i) At any time after the result of the first ballot is declared, but before the commencement of a second or subsequent ballot, a candidate may withdraw his name from the election, which shall then proceed as if he had not been nominated. Whenever at any stage a withdrawal leaves only one candidate remaining, such candidate shall, without further voting, be declared elected as Speaker.
- (j) During the election of a Speaker there shall be no debate and no questions of privilege may be raised.
- (k) No Minister of the Crown, nor party leader, shall be eligible for election to the office of Speaker.
- (l) The election of a Speaker shall take precedence over all other business and no motion for adjournment nor any other motion shall be accepted while it is proceeding and the House shall continue to sit if necessary beyond its ordinary daily time of adjournment, notwithstanding any Standing or Special Order, until a Speaker is declared elected, provided that if the House has continued to sit beyond its ordinary daily time of adjournment, the Speaker shall thereupon adjourn the House until the next sitting day.
- (m) The election of a Speaker shall not be considered to be a question of confidence in the government.
- 1b. (a) At the commencement of the First Session of a Parliament, or whenever the office becomes vacant, a member shall be appointed by the House to be Deputy Speaker and Chairman of the Committees of the Whole House.
- (b) If the Speaker is absent or otherwise unable to act, the Deputy Speaker shall perform the duties of the Speaker, and shall otherwise assist or relieve the Speaker as directed by the Speaker.



- 1c. (a) At the commencement of each Session, or whenever the office becomes vacant, a member shall be appointed by the House to be Deputy Chairman of the Committees of the Whole House.
  - (b) The Deputy Chairman of the Committees of the Whole House shall relieve the Chairman and take the Speaker's chair when called upon. In the absence of both the Speaker and the Chairman, the Deputy Chairman shall assume the duties of the Speaker and shall appoint a chairman pro tem. (pages 2-5)
2. Standing Order 12 be repealed. (page 5)
3. Standing Order 9 be repealed and the following substituted therefor:
  9. (a) The Speaker shall preserve order and decorum, and shall decide questions of order. In explaining a point of order or practice, the Speaker may state the applicable Standing Order or authority.
  - (b) No debate shall be permitted on any such decision, and no such decision shall be subject to an appeal to the House.
  - (c) No motion may be moved which reflects on any such decision of the Speaker. (page 6)
4. Section 28 of the Legislative Assembly Act be amended by adding thereto the following subsection:
  - (3) Every power and duty of the Speaker under this Act, other than sections 71 to 99, or under any other Act, may be exercised and performed by the Deputy Speaker. (page 8)
5. Section 29 of the Legislative Assembly Act be repealed and the following substituted therefor:
  29. The Speaker shall preside at all meetings of the Assembly. (page 8)
6. Section 73 of the Legislative Assembly Act be amended by adding thereto the following subsection:
  - (2) The Speaker shall preside over and have charge of the Office of the Assembly. (page 8)
7. Section 20 of the Legislative Assembly Act be amended by striking out "there is then no Speaker, or the Speaker is absent from Ontario, or if the member is himself the Speaker" and substituting therefor "both the Speaker and the Deputy Speaker are absent from Ontario or are otherwise unable to act". (page 8)



8. Section 22 of the Legislative Assembly Act be amended by striking out "or, if there is no Speaker or the Speaker is absent from Ontario or is unable to act" and substituting therefor "or, if both the Speaker and the Deputy Speaker are absent from Ontario or are otherwise unable to act". (page 9)
9. Section 25(2) of the Legislative Assembly Act be amended by striking out "there is no Speaker or the Speaker is absent from Ontario or if the member whose seat is vacated is himself the Speaker" and substituting therefor "both the Speaker and the Deputy Speaker are absent from Ontario or are otherwise unable to act". (page 9)
10. Standing Orders 2, 3 and 4 be deleted and the following substituted therefor:
  2. During the duration of a Parliament, the Assembly shall hold its normal sittings:
    - (1) from the first Monday in March to the fourth Thursday in June; and
    - (2) from the third Monday in September to the third Thursday in December.
  - 2a. (a) The House shall meet on Mondays, Tuesdays, Wednesdays and Thursdays at 1.00 o'clock p.m., unless otherwise ordered.
  - (b) The bells shall be rung for 5 minutes before the time appointed for the meeting of the House to summon the members.
  - (c) The Speaker shall take the Chair at the time appointed on every day fixed for the meeting of the House and shall read the Prayers.
  - (d) The House shall not meet on New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada Day, the day fixed for a civic holiday in August, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day. When Canada Day falls on a Tuesday, the House shall not meet the preceding day; when Canada Day falls on a Thursday, the House shall not meet on the following day.
3. (a) Except as provided in clause (b), and in Standing Order 28, at 6:00 o'clock p.m. on Mondays, Tuesdays, Wednesdays and Thursdays, the Speaker shall adjourn the House without motion until the next sitting day.
- (b) The House may sit beyond the hours set out in clause (a) on the passage of a government motion for that purpose.

The question on such motion shall be put forthwith and decided without amendment or debate; but such government motion shall not pass if 20 members stand in their places. If a recorded vote is requested, the division bell shall be limited to 15 minutes.

- (c) When the House adjourns, the members shall keep their seats until the Speaker has left the Chamber.
- 3a. (a) On the tenth sitting day preceding the fourth Thursday in June or the third Thursday in December, a motion to extend the hours of sitting during the last ten sitting days in each period provided for in clauses (a) and (b) of Standing Order 2 may be proposed, with notice, by a minister of the Crown.
- (b) Not more than two hours after the commencement of proceedings thereon, the Speaker shall put every question to dispose of the said motion.
- 4. (a) Whenever the House stands adjourned, if it appears to the Speaker, on the advice of the government, that the public interest requires the House to meet at an earlier time, the Speaker may give notice that the House shall meet, and thereupon the House shall meet to transact its business as if it had been duly adjourned to that time.
- (b) In the event of the Speaker being unable to act owing to illness or other cause, the Deputy Speaker or the Deputy Chairman of the Committees of the Whole House shall act in the Speaker's stead for the purposes of this Standing Order. (pages 13-15)
- 11. Standing Order 17 be deleted. (page 15)
- 12. Standing Order 28(a) be amended by striking out "8:00" in the last line and substituting therefor "5:00". (page 15)
- 13. Standing Order 28(b) be amended by striking out "10:30 p.m." in the second line and substituting therefor "6:00 p.m." (page 15)
- 14. Standing Order 28(b) be further amended by striking out "3" in the third line and the appropriate substitution be made therefor. (page 15)
- 15. Standing Order 28(f) be amended by striking out "10:30 o'clock" in the first line and substituting therefor "6:00". (page 15)
- 16. Standing Order 28(f) be further amended by striking out "3" in the second line and the appropriate substitution be made therefor. (page 15)



17. Standing Order 34(b) be amended by deleting "or 1:00 o'clock p.m, on Friday,". (page 16)
18. Standing Order 64(a) be amended by striking out "Thursday" in the third line and substituting therefor "Wednesday". (page 16)
19. The Standing Orders be amended by adding a new Standing Order 52 as follows:

52. No public bill introduced within the last fifteen sitting days before the end of the period specified in paragraph 1 of Standing Order 2 or before the end of the period specified in paragraph 2 of Standing Order 2 may be passed in the same period.

and that Standing Order 52 be renumbered as "52a.". (page 16)

20. Standing Order 2(c) be deleted. (page 17)
21. Standing Order 5(b) be deleted and the following substituted therefor:
  - 5.(b) If at any time after Prayers, the Speaker's attention is drawn to the fact that a quorum is not present, the Speaker shall, upon determining that a quorum is not present, cause the bells to be rung until a quorum is present and, in any case, for no longer than 5 minutes. If a quorum is not present after the expiration of 5 minutes, the Speaker shall adjourn the House without question put until the next sitting day. The matter under consideration prior to the adjournment is deemed to be adjourned to a future sitting day. (page 17)
22. Standing Order 5(c) be amended by striking out "Standing Order 2(c)" in the third line and substituting "clause (b)" in lieu thereof. (page 17)
23. Standing Order 5 be amended by adding the following clause:
  - 5.(d) Whenever the Speaker adjourns the House for want of a quorum, the names of the members then present shall be recorded in the Votes and Proceedings. (page 17)
24. Standing Order 18 be repealed and the following substituted therefor:
  18. (a) Privileges are the rights enjoyed by the House collectively and by the Members of the House individually conferred by the Legislative Assembly Act and other Statutes, or by practice, precedent, usage and custom.
  - (b) A member proposing to raise a matter of privilege other than one arising in proceedings in the Chamber during the course of a sitting shall, immediately after Oral Questions, call attention to the alleged breach of privilege and explain the matter.

- (c) Except as provided in clause (b), whenever a matter of privilege arises, it shall be taken into consideration either immediately or at a time appointed by the Speaker. (pages 18-19)
- 25. Standing Order 64(k) be deleted. (page 20)
- 26. Standing Order 26 be deleted and the Standing Orders be further amended by adding the following new Standing Order:
  - 28a. (a) A minister of the Crown may make a short factual statement relating to Government policy or ministry action.
  - (b) The time allotted to ministerial statements shall not exceed 20 minutes without the agreement of a majority of the House.
  - (c) Two copies of each ministerial statement shall be delivered to Opposition Party Leaders, or their representatives, at or before the time the statement is made in the House.
  - (d) After any policy statement, the minister shall, where appropriate, table a compendium of background information.
  - (e) A spokesman for each of the recognized parties in opposition may comment on each ministerial statement for up to 5 minutes. (pages 20-21)
- 27. Standing Order 25 be deleted and the following substituted therefor:
  - 25. The routine proceedings before the Orders of the Day are as follows:
    - Members' Statements
    - Oral Questions
    - Statements by the Ministry
    - Petitions
    - Reports by Committees
    - Motions
    - Introduction of Bills (pages 22-23)
- 28. The Standing Orders be amended by adding the following new Standing Order:
  - 25a. (a) A member may be recognized to make a statement for not more than one and one-half minutes.
  - (b) The period for Members' Statements shall be limited to 10 minutes. (page 23)



29. In exercising his discretion pursuant to Standing Order 27(d) to permit supplementary questions the Speaker permit supplementary questions as follows:

Official Opposition	- 1 question and 1 supplementary question
Official Opposition	- 1 question and 1 supplementary question
Third Party	- 1 question and 1 supplementary question
Third Party	- 1 question and 1 supplementary question
All other questions (page 24)	- 1 question and 1 supplementary question

30. Standing Order 27(a) be deleted and the following substituted therefor:

27. (a) The oral Question Period shall be limited to 60 minutes, including Supplementary Questions and Points of Order. Questions may be addressed to the Ministers of the Crown, but if in the opinion of the Speaker or the Minister a question requires a lengthy answer, either the Speaker or the Minister may require it to be placed on the Notice Paper as a written Enquiry of the Ministry. The Minister may take an oral question as notice to be answered orally at a later sitting but where any reserved answer requires a lengthy statement, the statement shall be given under "Statements by the Ministry". (page 25)

31. Standing Order 30 be amended by adding thereto the following paragraph:

30. (d) Within 120 days of the presentation of a committee report as provided in clauses (b) and (c), the Government shall, upon the request of the committee, table a comprehensive response. (page 26)

32. Standing Order 34 be deleted and the following substituted therefor:

34. (a) Before the Orders of the Day, any member may move to set aside the ordinary business of the House to discuss a matter of urgent public importance requiring immediate consideration.

- (b) The Speaker shall then rule whether or not the motion is in order based on the following criteria:-
    - (i) the member proposing the motion shall give written notice of the motion to the Speaker at least two hours before the sitting of the House;
    - (ii) not more than one such motion may be made at the same sitting;
    - (iii) not more than one matter may be discussed on the same motion;
    - (iv) the motion must not revive discussion on a matter than has been discussed in the same Session under this Standing Order;
    - (v) the motion must not raise a question of privilege; and
    - (vi) the discussion under the motion must not raise any question that, according to the Standing Orders of the House, can only be debated on a distinct motion under notice.
  - (c) If the Speaker determines that the motion is in order, the member proposing the motion may state his arguments in favour of his motion in not more than five minutes. One member from each of the other recognized parties in the House may state the position of his party with respect to the motion in not more than five minutes.
  - (d) The Speaker shall then put the question, "Shall the debate proceed?", to a vote of the House.
  - (e) If the House determines by its vote to set aside the normal business of the House to discuss a matter of urgent public importance, each member who wishes to speak in the discussion shall be limited to ten minutes, and the debate shall conclude when all members who wish to take part have spoken or at the hour of 6:00 o'clock p.m., whichever shall be first.
  - (f) When members have been called in for a division with respect to this Standing Order, the division bells shall be limited to fifteen minutes. (pages 27-29)
33. Standing Order 36 be amended by striking out "The previous question" in the first line and substituting therefor "A motion for closure", and by striking out "the previous question" in the seventh line and substituting therefor "a motion for closure". (page 30)

34. The Standing Orders be amended by adding the following new Standing Order:
  - 37a. Except in the case of a motion that a certain member do take the Chair of the House as Speaker, a motion for an Address in Reply to the Speech from the Throne and the Budget motion no motion or amendment shall be required to be seconded before the question thereon is proposed from the Chair. (page 31)
35. Standing Order 31 be amended by striking out "or a seconder" in the last line. (page 31)
36. Standing Order 32(a) be amended by striking out "properly seconded" in the first and second line. (page 31)
37. Standing Order 35(a) be amended by striking out "or a seconder" in the last line. (page 31)
38. Standing Order 36 be amended by striking out "or a seconder" in the second line. (page 31)
39. Standing Order 37(c) be amended by inserting "and" after "notice" in the first line, and by striking out "and must be seconded" in the second line. (page 32)
40. Standing Order 52 be amended by striking out "or seconder" in the first line, and by striking out "and a seconder" in the last line. (page 32)
41. Standing Order 84(b) be amended by striking out "seconding of motions and" in the third line. (page 32)
42. Standing Order 59(a) be deleted and the following substituted therefor:
  59. (a) Bills reported from the Committee of the Whole House shall stand ordered for third reading and Bills reported from standing committees shall, by unanimous consent, also be ordered for third reading. (page 33)
43. The Standing Orders be amended by adding the following new Standing Order:
  - 60a. An Order for third reading may, on motion, be discharged by the House and the Bill referred to a Committee. (page 33)
44. Part IX of the Standing Orders be revoked and the following substituted therefor:

#### XI. PRIVATE BILLS

65. (a) Any person, group or corporation may make an application for a Private Bill by filing with the Clerk of the House,
  - (i) a copy of the Bill,



- (ii) a fee of \$150; and
  - (iii) a declaration proving publication of the notices referred to in clause (e).
- 65. (b) Every applicant for a Private Bill shall pay,
  - (i) the cost of printing the Bill at all of its stages including reprinting if it is amended; and
  - (ii) the cost of printing the Act in the annual Statutes.
- 65. (c) Where, at the request of the applicant, a Standing Order is suspended with reference to a Private Bill, a charge of \$50 shall be levied.
- 65. (d) Where a Private Bill relates to a charitable organization within the meaning of the Income Tax Act (Canada), the Committee considering the Bill may recommend that the fee paid under clause (a) be remitted and, if the recommendation is approved by the House, the remitted fee shall be applied to reduce any costs payable under clause (b) and the Committee may, having regard to the circumstances, recommend that all or part of the costs payable under clause (b) be waived and, if the recommendation is approved by the House, the costs shall be waived.
- 65. (e) Notice of an application for a Private Bill shall be given before it is read a first time by publishing the notice once a week for at least four weeks in each of The Ontario Gazette and one newspaper circulated in the municipality most affected and the notice shall,
  - (i) be signed by or on behalf of the applicant;
  - (ii) clearly state the nature and object of the application;
  - (iii) when the application refers to any proposed work, indicate generally the location of the work;
  - (iv) where the application is by a municipal corporation for authority to issue debentures, set out the particulars of the existing debenture debt and the amount of the rateable property of the municipality according to the last revised assessment roll of the corporation and in brief and general terms, the object for which the new issue of debentures is required; and
  - (v) state that any person who has an interest in the application and who wishes to make submissions for or against the application when it is considered by a Standing Committee should notify the Clerk of the House in writing.



65. (f) Notice of an application for a Private Bill is valid for the calendar year in which the last notice is published and until the 1st day of July in the next following calendar year.
65. (g) Where,
  - (i) an application for a Private Bill is made during a Session but the Bill is not read a first time; or
  - (ii) a Private Bill is read a first time but is not considered by a Standing Committee before dissolution or prorogation, the application shall be considered during the next regular Session of the House without publishing further notice of the application and without payment of additional fees under clause (a).
66. The Clerk of the House shall refer to the Standing Committee on Procedural Affairs any application that, in his opinion, does not comply with the Standing Orders.
67. When any Private Bill confirming any letters patent or agreement is presented to the House, a copy of the letters patent or agreement shall be included in the Bill.
68. No Private Bill relating to the status of a corporation shall be considered by a Standing Committee until there has been deposited with the Clerk of the House a certificate of the Minister of Revenue showing that all taxes payable under the Corporations Tax Act in respect of the corporation have been paid.
69. (a) Every Private Bill when read a first time, shall, unless it is an Estate Bill or a Bill providing for a consolidation of a floating debt or for the consolidation or renewal of debentures, other than local improvement debentures, of a municipal corporation, stand referred to a Standing Committee and all Petitions and correspondence to the House for or against the Bill stand referred to the Committee.
- (b) No Private Bill shall be given first reading unless a compendium of background information has been deposited with the Clerk of the House by the applicant.
- (c) The compendium required under clause (b) shall cite the precedents, if any, used in drafting the Private Bill and shall contain an up to date consolidation of existing legislation that is amended by the Bill.

- (d) A Standing Committee that considers Private Bills may adopt guidelines related to the form and content of the compendium required by clause (b).
  - (e) Where the purpose of a Private Bill application is to amend a section of an existing Private Act or the Private Bill would have the effect of amending a section of an existing Private Act, the Private Bill shall re-enact the section in its entirety.
70. (a) Every Private Bill or part of a Bill of a municipal corporation providing for the consolidation of a floating debt or the consolidation or renewal of debentures, other than local improvement debentures, stands referred to the Ontario Municipal Board after first reading.
- (b) The Board, after due enquiry, shall report to the House whether or not it is reasonable that the Bill, or the part thereof relating to the matters referred to in clause (a), should pass and what, if any, alterations are necessary.
  - (c) A report of the Ontario Municipal Board shall be transmitted to the Clerk of the House.
  - (d) The Bill and report shall stand referred to a Standing Committee.
71. (a) Every Estate Bill or part of a Bill that contains an Estate Bill provision stands referred to the Commissioners of Estate Bills after first reading.
- (b) The Commissioners of Estate Bills, or any two of them, shall report their opinion on the Bill or the part thereof that has been submitted to them and whether, presuming the allegations contained in the Preamble to be proven to the satisfaction of the House, it is reasonable for the Bill or the part thereof to pass and what, if any, alterations are necessary.
  - (c) A report of the Commissioners of Estate Bills shall be transmitted to the Clerk of the House.
  - (d) Where the Commissioners of Estate Bills report that, in their opinion, it is not reasonable that the Bill or the part thereof submitted to them pass into law, the Bill or the part thereof shall not be further considered.
  - (e) Where the Bill or the part thereof submitted to the Commissioners of Estate Bills is reported favourably by the Commissioners, the Bill and the report shall stand referred to a Standing Committee and where only part of



a Bill is submitted to the Commissioners and the Commissioners report that, in their opinion, it is not reasonable that the part pass into law, the Bill shall stand referred to a Standing Committee and the Committee shall amend the Bill by deleting therefrom the part to which the report relates.

72. The Clerk of the House shall post on all notice boards five calendar days notice of the date on which any Private Bill is to be considered by a Committee and the notice shall be published in the Orders and Notices paper.
73. Any person whose interest or property may be affected by a Private Bill, when required, shall appear before the Committee considering the Bill to express his consent or objection, or may consent in writing, proof of which may be demanded by the Committee.
74. Private Bills when reported by a Standing Committee shall be placed on the Orders and Notices paper for second reading.
75. Private Bills amended by a Committee may be reprinted before further consideration, as the Clerk of the House may direct.
76. Private Bills, after second reading, shall be ordered for third reading, unless specially ordered referred to the Committee of the Whole House.
77. Except when waived by unanimous consent of the House, notice is required for a motion to dispense with any Standing Order relating to Private Bills.
78. A Private Bill Register shall be kept in the office of the Clerk of the House, in which shall be entered the name, description, and place of residence of the parties applying for the Bill, or of their agent, and all the proceedings thereon, such register to be open to public inspection daily, during office hours.
79. (a) Every Parliamentary Agent conducting proceedings before the House is personally responsible to the House and to the Speaker for the observance of the Standing Orders and Practices of Parliament, and also for the payment of all fees and charges.
- (b) Any Parliamentary Agent who wilfully acts in violation of the Standing Orders and Practices of Parliament, or who wilfully misconducts himself in prosecuting any proceedings before the House, is liable to an absolute or temporary prohibition to practise as a Parliamentary Agent, at the pleasure of the Speaker. (pages 34-44)

45. Notwithstanding the adoption of the preceding recommendations, where the first notice of an application for a Private Bill is published before the 1st day of February, 1986, Standing Order 65(e)(v) shall not apply to any such application. (page 44)
46. The Clerk of the House publish weekly in The Ontario Gazette the following notice:

APPLICATIONS TO PARLIAMENT  
PRIVATE BILLS

PUBLIC NOTICE

The rules of procedure and the fees and costs related to applications for Private Bills are set out in the Standing Orders of the Legislative Assembly. Copies of the Standing Orders may be obtained from:

The Office of the Clerk of the Legislative Assembly  
Room 110, Legislative Building  
Queen's Park  
Toronto, Ontario  
M7A 1A2

Telephone: 416/965-1406

Applicants should note that consideration of applications for Private Bills that are received after the 1st day of September in any calendar year may be postponed until the first regular Session in the next following calendar year. (pages 44-45)

47. The Standing Orders be amended by adding thereto the following Standing Order:
  113. (a) The Chairman of a Committee considering a Bill shall initial each section of the Bill as it is passed and sign the Bill.
  - (b) Amendments shall be clearly indicated in the signed copy and the amendments or additions shall be initialled by the Chairman. (page 45)
48. Standing Order 90 be repealed and the following substituted therefor:
  90. (a) Except where all strangers have been excluded on a motion properly moved and adopted by the House or a Committee of the Whole House, a full Hansard service shall be provided for all sittings of the House or the Committee as the case may be.
  - (b) A full Hansard service shall be provided for all standing and select committees, except as may be otherwise ordered by a committee. (page 47)



49. Standing Order 63(c) be amended by striking out "five" in the second line and substituting therefor "15". (page 48)
50. Standing Order 94(f) be amended by striking out "thirty" in the third line and substituting therefor "15". (page 48)
51. Standing Order 95(b) be amended by striking out "ten" in the fourth line and substituting therefor "15". (page 48)
52. The Standing Orders be amended by adding thereto the following new Standing Order:
  - 95a. (a) Except as provided in Standing Orders 5, 63, 63a, 64, 94 and 95, when the members are called in for a recorded vote the division bells shall ring for not more than 15 minutes, at which time the Speaker will again state the question and will call for the recorded vote of the Members then present, whether or not the Whips have returned.
  - (b) Notwithstanding clause (a), the Speaker, after consultation with the Government Whip and the Opposition Whips, may direct that the division bells continue to ring beyond 15 minutes to a specific time set by the Speaker for the exclusive purpose of permitting absent members who may do so within a reasonable length of time to travel to the Legislative Building to attend the service of the House.
  - (c) Where, pursuant to clause (b), the Speaker has directed that the division bells continue to ring beyond 15 minutes,
    - (1) the time at which the division bells are to be turned off once set shall not be altered;
    - (2) no further extension shall be granted in respect of that division; and
    - (3) no such extension shall exceed 24 hours. (pages 49-50)
53. The Standing Orders be amended by adding the following new Standing Order:
  - 19a. A period not exceeding 10 minutes shall be made available, if required, to allow members to ask questions and comment briefly on matters relevant to the matters before the House and to allow responses thereto, in the following circumstances:
    - a) debate on second reading of a government bill;
    - b) debate on third reading of a government bill;

- c) debate on the Address in Reply to the Speech from the Throne, but no such 10-minute period shall be allowed following the speeches of the members winding up the Throne Debate for each recognized party;
  - d) debate on the Budget motion, but no such 10-minute period shall be allowed following the presentation of the Budget by the Treasurer, the speeches of the members speaking first on behalf of the official Opposition and the other recognized parties, and the speeches of the members winding up the Budget Debate for each recognized party; and
  - e) debate on a motion for Interim Supply. (page 52)
- 54. The precincts of the House be placed under the authority of a new and separate officer of the House who would report directly to the Speaker. (page 55)
- 55. Section 94 of the Legislative Assembly Act be deleted and the following substituted therefor:
  - 94. (1) The Speaker has control of the Legislative Building and the Legislative Annex.
  - (2) The Lieutenant Governor in Council may make regulations designating the parts of the Ontario Government building known as the Whitney Block that shall form the Legislative Annex.
  - (3) The security of the Legislative Building and the Legislative Annex shall be maintained in accordance with the Speaker's guidelines, and the Speaker shall establish and maintain such guidelines.
  - (4) For the purposes of this section, the Legislative Building includes the entrances to the Legislative Building and the steps in front of the entrances. (page 55)
- 56. Standing Order 27 be amended by adding the following new clause:
  - 27. (j) Questions may also be addressed orally at the time specified in clause (a) to a member of the Board of Internal Economy designated by the Board. (page 57)
- 57. Section 84 of the Legislative Assembly Act be deleted and the following substituted therefor:
  - 84. (1) The Board of Internal Economy is continued and shall be

composed of,

- (a) the Speaker, who shall head the Board;
  - (b) two persons appointed by the Lieutenant Governor in Council from among the members of the Executive Council;
  - (c) two persons appointed by the Government caucus from among the members of that caucus who are not members of the Executive Council;
  - (d) one person appointed by the caucus of the Official Opposition from among the members of that caucus; and
  - (e) one person appointed by the caucus having the third largest membership in the Assembly, other than a party referred to in clause (c) or (d), from among the members of that caucus.
- (2) Not later than the fifth day that the Assembly sits after a general election,
- (a) the Government House Leader shall inform the Speaker of the names of the members appointed to the Board by the Lieutenant Governor in Council; and
  - (b) each House Leader shall inform the Speaker of the name or names of the member or members appointed to the Board by the caucus of the House Leader's party.
- (3) Where a member of a party is appointed to the Board at any other time, the House Leader of the party shall inform the Speaker of the name and appointment as soon as practicable after the appointment.
- (4) The Speaker shall inform the Assembly of the name and appointment of each newly-appointed member of the Board as soon as practicable after the Speaker is informed by the appropriate party House Leader.
- (5) A quorum of the Board consists of the Speaker and three other members of the Board.
- (6) The Deputy Speaker and the Clerk of the Legislative Assembly shall be given notice and the agenda of all meetings of the Board and may attend and participate in the discussion at any meeting of the Board.



- (7) Meetings of the Board shall be open to the public, except that the Board by resolution passed at a meeting may exclude the public from the meeting.
  - (8) Members of the Board are entitled to notice of the time and place and the agenda of each meeting of the Board at least three days before the meeting.
  - (9) Notice of the time and place and the agenda of each meeting of the Board shall be posted in public places in the Legislative Building and in the Legislative Annex at least three days before the meeting.
  - (10) Subsection (8) and (9) do not apply in respect of a meeting at which the Board by resolution declares the existence of circumstances that necessitate the holding of the meeting with less than three days notice or without posting the notice and agenda of the meeting, or both.
  - (11) The Board is not dissolved by dissolution of the Assembly, and a person who is an appointed member of the Board at the dissolution continues to be a member of the Board until the person's successor is appointed to the Board. (pages 57-60)
- 58. The Clerk of the House have the Standing Orders translated into the French language as soon as possible and that any further amendment to the Standing Orders be printed in both the French and English languages. (page 61)
  - 59. Standing Order 33(b) be amended by striking out the words "On the petition of twenty members any such report shall be referred to a standing or select committee of the House." (page 70)
  - 60. Standing Order 33(c) be deleted and the following substituted therefor:
    - 33. (c) Statutory annual reports provided for in clause (b) shall be deemed to have been permanently referred to the appropriate standing committee. (pages 70-71)
  - 61. The Government introduce legislation to require all ministries and agencies to present annual reports to the House. (page 71)
  - 62. Standing Order 53(d) be amended by striking out "or Select" in the first line. (page 73)
  - 63. Standing Order 56(c) be amended by striking out "or Select" in the second and fifth lines. (page 73)
  - 64. Standing Order 57 be amended by striking out "or Select" in the first line. (page 73)



65. Standing Order 59(c) be amended by striking out "or Select" in the first line. (page 74)
66. Standing Orders 44, 45, 46, 47, 48, and 49 be deleted and the following substituted therefor:
  44. All main Estimates shall be presented to the House not later than five days following the presentation of the Budget and shall be deemed to be referred to the Standing Committee on Finance and Economic Affairs.
  45. (a) The Standing Committee on Finance and Economic Affairs shall consider the Estimates of six ministries or offices.
  - (b) Representatives from each of the recognized parties on the Committee beginning with the Official Opposition, followed by the party having the third largest membership in the House and finally the Government party, shall select one set of Estimates each, in two rounds, to be considered by the Committee.
  - (c) The allocation of time for each set of Estimates shall be determined by a majority of the members of the Committee.
  46. All other Estimates not selected for consideration by the Standing Committee on Finance and Economic Affairs shall be reported to the House. The report of the Committee shall be deemed to be adopted and the Estimates shall be deemed to be concurred in.
  47. (a) The Standing Committee on Finance and Economic Affairs shall report the Estimates referred to in Standing Order 45 no later than fifteen sitting days before the third Thursday in December of each year.
  - (b) In the event that the Committee fails to report the said Estimates on the date provided for in clause (a), the Estimates shall be deemed to be reported to the House.
  - (c) There shall be an order for concurrence placed on the Orders and Notices paper respecting each of the six sets of Estimates reported from the Standing Committee on Finance and Economic Affairs. Each Order may be debated at a later sitting for not longer than 30 minutes. No amendment to the question may be moved, such debates to be in the House with the Speaker in the Chair and subject to the normal Standing Orders respecting debates in the House.

48. (1) All Supplementary Estimates shall be deemed to be referred to the Standing Committee on Finance and Economic Affairs as they are presented to the House.
- (2) The Committee shall only consider the Supplementary Estimates of the ministries or offices selected pursuant to Standing Order 45(a). All other Supplementary Estimates shall be reported back to the House. The report of the Committee shall be deemed to be adopted and the Supplementary Estimates shall be deemed to be concurred in.
49. (a) Before a minister's Estimates are considered the minister should provide advance briefing material to the members of the Standing Committee on Finance and Economic Affairs in a format to be determined by him and where possible he should also provide the latest Estimates of actual expenditures in the preceding fiscal year.
- (b) The chairman of the Standing Committee on Finance and Economic Affairs shall apportion the time available among the minister, opposition critics and other members.
- (c) Members shall adhere strictly to the Vote and Item under consideration. (pages 77-79)
67. The Standing Orders be amended by adding the following new Standing Order:
  - 63a. (a) In each of the two periods provided for in Standing Order 2, three sitting days shall be allotted by the Government House Leader as Opposition Days.
  - (b) The Official Opposition is entitled to two Opposition days and the recognized party having the third largest membership in the House is entitled to one Opposition day in each of the two periods provided for in Standing Order 2.
  - (c) Motions on allotted Opposition Days may be moved, upon proper notice, and may relate to any matter within the jurisdiction of the Parliament of Ontario.
  - (d) Debate on a motion under clause (c) shall be limited to one sitting day, including an allowance of ten minutes for taking the vote, for which purpose the Speaker shall interrupt the proceedings and put the question without further debate.
  - (e) If a recorded vote is requested, the division bells shall be limited to 15 minutes.

- (f) No amendment may be made to a motion under this Standing Order. (page 79)
- 68. A Committee's Branch be established within the Office of the Clerk to provide specialist assistance and other support services for committees. (page 83)
- 69. The terms of reference for each committee should be incorporated into the Standing Orders. (page 84)
- 70. The Standing Orders should authorize all committees to hire staff and to adjourn from place to place in Ontario, subject to financial approval of the Board of Internal Economy. (page 84)
- 71. Standing Orders 83, 84, 85, 88, 89, 91 and 92 be deleted and that the Standing Orders be amended by adding the following new Standing Orders:
  - 83. Within the first five sitting days of the first Session of each Parliament, a Striking Committee to be composed of the Deputy Speaker as chairman and the Chief Whip of each recognized party, shall be appointed for the Parliament whose duty it shall be to prepare and report to the House lists of members to compose the standing committees of the House. The reports of the Striking Committee shall be deemed to be adopted upon presentation to the House.
  - 84. Within the first ten sitting days following the commencement of each Session in a Parliament the membership of the following standing committees shall be appointed for the duration of the Session:
    - (a) Standing Committee on Administration of Justice;
    - (b) Standing Committee on General Government;
    - (c) Standing Committee on Resources Development;
    - (d) Standing Committee on Social Development;
    - (e) Standing Committee on Finance and Economic Affairs which is empowered to consider and report to the House its observations, opinions and recommendations on the fiscal and economic policies of the Province and to which the Estimates and all related documents shall be deemed to have been referred immediately the said documents are tabled.
    - (f) Standing Committee on Government Agencies which is empowered to review and report to the House its observations opinions and recommendations on the operation of all agencies, boards and commissions to



which the Lieutenant Governor in Council makes some or all of the appointments, and all corporations to which the Crown in right of Ontario is a majority shareholder, such reviews to be made with a view to reducing possible redundancy and overlapping, improving the accountability of agencies, rationalizing the functions of the agencies, identifying those agencies or parts of agencies which could be subject to sunset provisions, and revising the mandates and roles of agencies.

- (g) Standing Committee on the Ombudsman, which is empowered to review and consider from time to time the Reports of the Ombudsman as they become available; And, as the Committee deems necessary, pursuant to the Ombudsman Act, section 16(1), to formulate general rules for the guidance of the Ombudsman in the exercise of his functions under the Act; And, to report thereon to the Legislature and to make such recommendations as the Committee deems appropriate.
- (h) Standing Committee on Procedural Affairs which is empowered to review on its own initiative or at the request of the Speaker or the direction of the House and to report to the House its observations, opinions and recommendations on the Standing Orders of the House and the procedures in the House and its committees; To advise the Speaker and the Board of Internal Economy, and to report to the House its observations, opinions and recommendations on the administration of the House and the provision of services and facilities to members; And to act as an advisory body to the Speaker and the House on the television broadcast system and to conduct reviews, at least on an annual basis, of the televising of the legislative proceedings and of the guidelines established by the House with respect to the television broadcast system.
- (i) Standing Committee on Public Accounts which is empowered to review and report to the House its observations, opinions and recommendations on the Report of the Provincial Auditor and the Public Accounts, which documents shall be deemed to have been permanently referred to the Committee as they become available; and
- (j) Standing Committee on Regulations and Private Bills to be the Committee to which all Private Bills, other than Estate Bills or Bills providing for the consolidation of a floating debt or renewal of debentures, other than local improvement debentures, of a municipal corporation, shall be referred after First Reading; And, to be the



Committee provided for by section 12 of the Regulations Act, and having the terms of reference as set out in that section, namely: to examine the regulations with particular reference to the scope and method of the exercise of delegated legislative power without reference to the merits of the policy or objectives to be effected by the regulations or enabling statutes, but in so doing regard shall be had to the following guidelines:

- (1) Regulations should not contain provisions initiating new policy, but should be confined to details to give effect to the policy established by the statute;
- (2) Regulations should be in strict accord with the statute conferring of power, particularly concerning personal liberties;
- (3) Regulations should be expressed in precise and unambiguous language;
- (4) Regulations should not have retrospective effect unless clearly authorized by statute;
- (5) Regulations should not exclude the jurisdiction of the courts;
- (6) Regulations should not impose a fine, imprisonment or other penalty;
- (7) Regulations should not shift the onus of proof of innocence to a person accused of an offence;
- (8) Regulations should not impose anything in the way of a tax (as distinct from fixing the amount of a licence fee, or the like); and
- (9) General powers should not be used to establish a judicial tribunal or an administrative tribunal;

And, the Committee shall from time to time report to the House its observations, opinions and recommendations as required by section 12(3) of the Regulations Act, but before drawing the attention of the House to a regulation or other statutory instrument the Committee shall afford the ministry or agency concerned an opportunity to furnish orally or in writing to the Committee such explanation as the ministry or agency thinks fit.

85. (a) As many standing committees on bills shall be appointed as may be necessary for the consideration of such bills as may be referred by the House after second reading.

- (b) Within three sitting days of a bill being referred to a standing committee, the Striking Committee shall prepare and report a list of members to compose a standing committee on the bill.
  - (c) At the commencement of each Session, the Speaker shall appoint no fewer than ten members, and from time to time additional members, to act as chairmen of standing committees to which public bills are referred. The members appointed under the provisions of this Standing Order, together with the Chairman of the Committees of the Whole House and the Deputy Chairman of Committees of the Whole House, shall constitute the Panel of Chairmen.
  - (d) A standing committee appointed to examine and enquire into a bill referred to it by the House shall be empowered to report the same with or without amendments or to report that the bill be not reported, provided that when such a committee has reported the bill, which it was created to examine, it shall cease to exist.
86. (a) Standing committees shall be severally empowered to examine, enquire into and report from time to time on all such matters as may be referred to them by the House.
- (b) Except when the House otherwise orders, each standing or select committee shall have power to send for persons, papers and things.
87. (a) Select committees of the House may be appointed for any purpose or to consider any matter referred to them.
- (b) The motion to appoint a select committee may contain the names of the members proposed to be members of the committee and such motion is subject to amendment.
- (c) No standing or select committee shall consist of more than eight members and the membership of such committees shall be in proportion to the representation of the recognized parties in the House.
- (d) Any member appointed to a standing or select committee may, at any time afterwards, be discharged by order of the House from attending the committee and another member appointed.
- (e) A temporary substitution in the membership of a standing committee may be made provided a notification thereof, signed by the member acting as the Whip of a recognized Party, is filed with the Clerk of the Committee either before or within thirty minutes of a committee meeting being called to order.

88. The Clerk of the House shall post in the Legislative Building a list of members serving on each standing and select committee.
89. Within ten sitting days following the appointment of the membership of the standing committees, the Clerk of the House shall convene a meeting of each standing committee for the purpose of electing a chairman and vice-chairman.
90. (a) The chairmanships of the standing committees set out in Standing Order 84 shall be distributed in proportion to the representation of the recognized parties in the House.  
  
(b) Failing consensus on the distribution of the chairmanships of these standing committees, the recognized parties in the House shall choose which committees they wish to be chaired by one of their own members in rounds, through the House Leader, as follows: the government first, followed by the Official Opposition and then the other recognized opposition parties in order of their membership in the House, and then in rotation until the distribution is completed according to the number of chairmen from each recognized party as determined in clause (a).
91. Each standing committee shall elect a chairman and a vice-chairman at its first meeting in each Session and, if necessary, during the course of a Session.
92. Upon a written request signed by any four members of a standing or select committee, the chairman of the committee shall convene a meeting of the committee within ten sitting days following the receipt of such request by the Clerk of the Committee. The reasons for convening such a meeting shall be stated in the request.
93. The Clerk of each standing and select committee shall attend each meeting of the committee and shall record the names of the members of the committee present at each meeting in the Minutes of Proceedings.
94. (a) A majority of the members of a standing or a select committee, including the chairman, shall constitute a quorum.  
  
(b) Any committee may authorize the chairman to hold meetings to receive evidence when a quorum is not present.  
  
(c) If at any time during the sitting of a standing or select committee the chairman of the committee is advised by a



member of the committee that a quorum is not present, the chairman shall, upon determining that a quorum is not present, suspend the proceedings of the committee; if no quorum is present at the expiration of ten minutes, the chairman shall adjourn the committee to the next scheduled sitting of the committee.

- (d) Whenever the Chairman of a standing or select committee adjourns the committee for want of a quorum, the Clerk of the Committee shall record the time of the adjournment and the names of the members then present in the Minutes of Proceedings.
95. Except by unanimous consent of the committee, no standing or select committee may sit beyond 10:30 o'clock p.m. when the House is in Session.
  96. In any standing or select committee, the Standing Orders of the House shall be observed so far as may be applicable, except the Standing Orders limiting the number of times of speaking.
  97. The chairman of a standing or select committee shall maintain order in the committee and decide all questions of order subject to an appeal to the committee; but disorder in a committee can only be censured by the House on receiving a report thereof.
  98. (a) Standing and select committees may adjourn from place to place in Ontario.
  - (b) Standing and select committees shall be severally empowered to retain the services of expert, professional, technical and clerical staff as may be deemed necessary.
  - (c) A standing or select committee shall not incur any expenses related to matters referred to in clauses (a) and (b) until a budget for such expenditures has been approved in whole or in part by the Board of Internal Economy.
  99. (a) At the beginning of each fiscal year or as soon as possible thereafter, the Clerk of a standing or select committee shall prepare a budget at the direction of the committee and the chairman of the committee, or a member acting for the chairman, shall present to the Board of Internal Economy for its approval in whole or in part, the budget adopted by a majority of the committee setting forth in reasonable detail estimates of its proposed expenditures for the fiscal year.
  - (b) When the expenditures of any such committee have reached the limits set forth in any such budget, the chairman shall present to the Board of Internal Economy, for its approval in whole or in part, a supplementary budget or budgets.



- (c) The Clerk of a standing or select committee shall administer and monitor the expenditures of any such committee and shall advise the committee if expenditures are likely to exceed the budget approved by the Board of Internal Economy.
100. (a) Unless otherwise ordered, standing or select committees shall have the power to appoint sub-committees which shall have power to report from time to time to the committee.
    - (b) Every such sub-committee shall be appointed by motion, such motion specifying the terms of reference, the membership of the sub-committee and the number of members required to constitute a quorum.
  101. Any member of the House who is not a member of a standing or select committee may, unless the House or the committee concerned otherwise orders, take part in the public proceedings of the committee, but may not vote or move any motion, nor be part of any quorum.
  102. On a division being called in the House, the chairman of a standing or select committee shall suspend the proceedings in the committee for such time as will in his opinion enable members to vote in the division in the House and return to the committee.
  103. (a) When a division takes place in a standing or select committee, the Clerk of the Committee shall record in the Minutes of Proceedings the question proposed, the name of the proposer, and if requested by any member, the vote of each member present.
    - (b) When members are called in for a division, there may be a maximum wait of twenty minutes before the vote is recorded.
  104. The chairman of a standing or select committee shall not vote except in the case of a tie, when the chairman shall give a casting vote.
  105. (a) The report of a standing or select committee is the report as determined by the committee as a whole or a majority thereof.
    - (b) No minority report may be presented to or received by the House.
    - (c) Every member shall be permitted to indicate in a report that he dissents from a particular recommendation or comment within the report. The committee shall permit

a member to express the reasons for his dissent within its report.

- (d) The report as agreed to shall be signed by the chairman, on behalf of the committee, and shall be presented to the House by the chairman or by another member of the committee authorized by the chairman or the committee.

#### COMMITTEES OF THE WHOLE HOUSE

- 106. (a) When an Order of the Day is read for the House to resolve itself into a Committee of the Whole House, the Speaker shall leave the Chair without a question put, and the House shall thereupon resolve itself into a committee.
- (b) When the Speaker has left the Chair, the Mace shall be placed under the Table and the Chairman of the Committees of the Whole House shall take the Chair of the Committee at the Table.
- 107. The Standing Orders of the House shall be observed in Committees of the Whole House so far as may be applicable, except the Standing Orders limiting the number of times of speaking.
- 108. The chairman shall maintain order in a Committee of the Whole House and decide all questions of order subject to an appeal to the House; but disorder in a Committee of the Whole House can only be censured by the House on receiving a report thereof.
- 109. A Committee of the Whole House may not adjourn its own sitting or the consideration of any matter to a future date, but this standing order shall not affect the application of Standing Order 10.
- 110. A motion may be moved during the proceedings of a Committee of the Whole House that the chairman report progress and ask for leave to sit again, and such question shall be put forthwith and decided without amendment or debate.
- 111. (a) A motion that the chairman of a Committee of the Whole House leave the Chair is always in order and shall be put forthwith and decided without amendment or debate.
- (b) If such a motion is carried, further proceedings of a Committee of the Whole House on the matter or bill then under consideration shall be superceded; but the matter or bill may, on motion with notice, be revived and the proceedings shall be resumed at the point where they were interrupted. Such a motion shall not prejudice or in any way affect any other matters or bills referred to the Committee of the Whole House.

- (c) If such a motion is defeated, no other such motion shall be made unless some intermediate proceeding has taken place. (pages 85-96)
- 72. Standing Orders 86 and 87 be renumbered 112 and 114 respectively. (page 96)
- 73. All Standing Orders subsequent to the current Standing Order 91 be renumbered accordingly. (page 96)
- 74. The Standing Orders be amended by adding the following new Standing Order:

#### XVII. CONFIDENCE

- 95b. The following matters shall be considered to be questions of confidence in the Government:
  - (1) the defeat of a motion for interim supply;
  - (2) the defeat of a supply bill;
  - (3) the defeat of the Budget motion;
  - (4) explicitly worded motions of want of confidence in the Government;
  - (5) the defeat of a vote on an item which the Government has declared in advance of the vote to be a matter of confidence in the Government; and
  - (6) the defeat of a motion that the Government enjoys the confidence of the House. (pages 101-102)
- 75. Section 53 of the Legislative Assembly Act be repealed. (page 104)
- 76. Unless otherwise ordered, the Provisional Standing Orders shall be in effect during the period commencing at 12:01 o'clock a.m. on Monday, March 3, 1986, and concluding at 12:00 o'clock midnight on Thursday, December 18, 1986. (page 105)
- 77. The Clerk of the House be authorized and instructed to print a revised and renumbered edition of the Standing Orders integrating the Provisional Standing Orders and making any necessary amendments in consequence thereof. (page 105)





DISSENTING OPINION  
OF NORMAN W. STERLING, Q.C.

As a member of the Procedural Affairs Committee, I am most anxious to see that significant reform be made to our Standing Orders and to the Legislative Assembly Act. I feel there is a great need to make the Legislative Assembly a vital and more meaningful place. At present, the Assembly and Ontario politics are dominated by the three political leaders. Debate in the Legislature, perhaps even in caucus, has little meaning when a leader is able to dictate the direction of his Party.

A leader must be required to convince his caucus colleagues, the Legislature, and the public that his position is worth supporting. A stronger democratic system can only evolve when private members feel they have some option to take an independent position on at least some issues when either the leader fails to convince him, or another member successfully makes a better argument. It will take some time before this kind of conduct will be seen by other members, and by members of the media, as a sign of strength rather than weakness. It is my hope that changes contained in this report will be the first step to strengthening the hand of the private member. I support in general most of the report, and thank both Mr. Smirle Forsyth and Mr. Tod Decker for their excellent work.

This report has not addressed an inequity in the Legislature. It is now more advantageous to be a member of the third party than Her Majesty's Loyal Opposition. With the present representation in the House of 48 Liberals, 51 Conservatives and 25 New Democrats (1 vacancy), the following problems need to be addressed:

1. A private member of the New Democratic Party has twice the opportunity to ask a question in the Legislature when compared to a Progressive Conservative member. This is unfair to the constituents of each P.C. riding.
2. Priority in the House in recognizing speakers is done on a rotational basis. It is twice as difficult to "get on" as a speaker in the P.C. caucus as compared to the N.D.P. caucus.

The changes that I am suggesting in this dissenting opinion attempt to rectify that situation. I am also suggesting other changes which will be explained in greater detail herein.

### **Statements by the Ministry**

Under the present proposal, private members will be allowed to make statements from 2.00 p.m. to 2.10 p.m., which will be followed by Oral Question Period. Some concern has been expressed about the ability of a minister to make known that he has a statement on a matter about which there may be some interest that day. I am proposing that ministers be given 5 minutes between 2.10 p.m. and 2.15 p.m. to give notice of statements they intend on making that day. If no notice of statements are made, then the House can proceed to question period.

I would therefore delete Standing Order 25 as set out in the Committee's report and substitute the following therefor:

25. The routine proceedings before the Orders of the Day are as follows:

Members' Statements  
 Notice of Statements by the Ministry  
 Oral Questions  
 Statements by the Ministry  
 Petitions  
 Reports by Committees  
 Motions  
 Introduction of Bills.

Further, I would propose that the Standing Orders be amended by adding the following new Standing Order:

25b. (a) Each minister who proposes to make a statement under Standing Order 28a shall give notice to the House of the matters to be contained in the Ministerial Statement.

- (b) The period for giving Notice of Ministerial Statements shall be limited to 5 minutes.

### **Oral Question Period and Recognition of Speakers**

As mentioned earlier in this report, the present system of recognizing members is not fair to the Official opposition party.

I would therefore recommend that Standing Order 27(b) be eliminated from the Standing Orders. It should be understood that the Speaker would recognize members with questions or speakers on other matters in approximate proportion to representation in the Legislature.

This would then parallel the situation in Ottawa where there is no Standing Order which specifically allots a certain number of questions to any particular member or party as is the case of Ontario's Standing Order 27(b).

Practices will develop as they have in Ottawa for a procedure to permit an orderly question period. This practice should not be contained in the Standing Orders; it should be developed by the Speaker and the House Leaders for each Parliament, who can take into account the relative representation of each political party.

### **Speeches**

The Committee considered the possibility of limiting the length of time taken by one speaker in the Legislature. It was generally felt that such a rule would certainly provide some economy of time and provide for better planning of an M.P.'s time. On the other hand, it was felt that a private member should have the right to filibuster if he felt strongly on a matter.

I am proposing a 20 minute limitation on speeches providing that the member can, before beginning his remarks, opt out of the rule. This would have the

advantage of setting a normal time frame for a speech, permit members to predict when their opportunity will come to speak, and maintain the rights now enjoyed in the Legislature relating to speaking.

I would therefore propose to amend Standing Order 19 by adding the following new clause:

19. (c) Unless otherwise provided in the Standing Orders, when the Speaker is in the Chair, no member shall speak for more than 20 minutes in any debate unless such member, after being recognized by the Speaker and before beginning his remarks, advises the Speaker that his remarks will exceed 20 minutes, in which case there shall be no time limit on the member's remarks.

I would further propose that Standing Order 107 set out in the Committee's Report be amended by adding the following new clause:

107. (b) No member shall speak for more than 20 minutes at a time in any Committee of the Whole House.

### **Legislation Committees**

In the normal course of events, the Government party usually has the greatest number of seats, the Official opposition party the second largest, and the third party, of course, the fewest. In order to recognize this fact, and that there is some advantage to having a greater number of seats than the third party, I recommend that:

Standing Order 90 (b) as set out in the Committee's Report be deleted and the following substituted therefor:

90. (b) Failing consensus on the distribution of the chairmanships of these standing committees, the recognized parties in the House



shall choose which committees they wish to be chaired by one of their own members in rounds, through the House Leader of each recognized party, as follows:

1st, 2nd and 3rd choice:	the Government party;
4th and 5th choice:	the Official Opposition;
6th choice:	the recognized party having the third largest membership in the House;

the balance then to be chosen in rotation, beginning with the party forming the Government, followed by the Official Opposition and the recognized party having the third largest membership in the House, until the distribution is completed according to the number of chairmen from each recognized party as determined in clause (a).

It should be clearly understood that members appointed as chairmen of Standing Committees considering legislation pursuant to Standing Order 85(c) as set out in the Committee's Report be considered to have the same rank and status as the chairmen of the standing committees provided for in Standing Order 84 in the Committee's Report.

### **Official Designation of a Member**

In order for a member or the public to be able to determine the proper designation of a member of the Legislature, he or she must refer to a Resolution of the House in the 1930s.

Since the recommendations of this report will necessitate changes in the Legislative Assembly Act, I recommend that the Legislative Assembly Act be amended by adding the following new section:

27a. Every member of the Assembly is entitled to use the designation "Member of Provincial Parliament" and its abbreviation "M.P.P."



**DISSENTING OPINION**  
**OF RICHARD L. TRELEAVEN, Q.C.**

In accordance with Standing Order 89(d) I respectfully submit the following dissenting opinion to the Report on Standing Orders and Procedure (No. 4) to be presented to the Legislative Assembly by the Standing Committee on Procedural Affairs and Agencies, Boards and Commissions. The following deals only with the areas with which I have a dissenting opinion.

**Election of the Speaker**

The Committee recommends that the Speaker shall be nominated by private members. Further, where more than one person is nominated for Speaker, the election of Speaker shall be done by secret ballot.

Presently, the Premier recommends the Speaker upon consultation with Opposition Party Leaders, which is followed by an election by all Members. This present format has many benefits and should be maintained. First, through their Caucus, every Private Member has ample opportunity to make known to their Leader, their choice for Speaker. Second, although secret ballot will ensure when more than one Member is nominated, the Speaker to remain impartial should always be seen as the unanimous choice of the House. Under the present system the Speaker is the unanimous choice of the House and for this reason the present system should be retained.

**Appeals from the Speaker's Decisions**

The Committee recommends that the Speaker shall decide questions of order and that no such question shall be subject to an appeal by the House.

Inside the Legislative Assembly all Members are honourable and as such are also correct. Therefore, when the Speaker makes a decision on a question of order, a Member who disagrees with that decision must have a forum to voice his disagreement. This forum has been and should remain, the M.P.P.'s right to appeal to the House. In this way the House remains supreme.

## **Privilege**

The Committee recommends that the Chair should hear questions of Privilege arising out of the Oral Question Period at the conclusion of the Oral Question Period. However, this should be at the discretion of the Speaker.

There are two reasons I disagree with this recommendation. Firstly, matters of Privilege supersede all other matters in importance. Therefore they should be dealt with immediately. Secondly, in order to preserve the impartiality of the Chair, the Speaker should not be put in a position of using discretion to decide when a matter of Privilege is heard. The Speaker, of course, will decide whether the matter raised does constitute Privilege. However, all matters of Privilege are equally important and should be heard consistently, not at the discretion of the Chair.

## **Members' Statements**

The Committee recommends that Statements by the Ministry should follow both Members' Statements and Oral Questions in the Routine Proceedings.

I feel strongly that Statements by the Ministry should precede Members' Statements so that all Members are given the opportunity to comment upon the ministerial statements if they feel strongly about issues raised. Some issues are too important for Members to wait one full day, or perhaps three days, before responding, as the Committee's proposal would force.

The remainder of this section is fair and should remain as proposed by the Committee.

## **Oral Question Period**

The Committee recommends that the Speaker in exercising his discretion to permit supplementary questions, permit only one supplementary question by the Member asking the original question or by a Member of his or her Party.



I disagree with this particular proposal for the following fundamental reasons: the questions put by the Leader of each Opposition Party concern the major issues of the day. Severely limiting the number of supplementary questions may not allow for a full and proper examination of these issues.

### **Closure**

The Committee has recommended that the term "previous question" be replaced by "a motion for closure", in the Standing Orders.

However, the term "previous question" is well understood by all Members of the House and is a term steeped in parliamentary tradition. Any change here is merely a matter of semantics which would cause unnecessary confusion and I can therefore not agree with such a change.

### **Division Bells**

The Committee recommends that where a recorded vote is requested, the Speaker, after consultation with the Whips, may direct that the division bells continue to ring beyond 15 minutes for the exclusive purpose of permitting absent Members to attend for the vote and no such extension shall exceed 24 hours.

I feel strongly that Opposition Parties should always maintain their right to bring as much attention as may be warranted to an issue of outstanding public importance. By limiting extensions to a 24 hour maximum the Committee is limiting the effectiveness of an Opposition Party in a Parliamentary System.

### **Precincts of the House**

The Committee recommends that the control and management of the whole of the Parliament Building should be brought under the exclusive jurisdiction of the Speaker as opposed to some parts being under the control of the Ministry of Government Services.

At the moment the jurisdiction of each part of the Parliament Building is not clear. I agree that this confusion is both unnecessary and unwanted. However, until such time as all areas of existing jurisdiction are fully known it would seem premature to propose any changes. For example, matters as simple as the boiler room, storage facilities, the electrical room, and similar rooms are better and more efficiently served by the Ministry of Government Services.

### **Board of Internal Economy**

The Committee recommends that except in exceptional circumstances involving personnel matters or confidential contractual issues, all meetings of the Board of Internal Economy should be held in public and in a room of sufficient size to accommodate interested persons.

Since the Board of Internal Economy is continually dealing with contractual, personal and personnel matters, and in light of the fact that the Minutes of each meeting are made public, it would seem both unwise and unnecessary for meetings to be open to the public. Decisions of the Board of Internal Economy are public knowledge and I defend this strongly. Further, I question whether the Members of the Board of Internal Economy, per se, have the immunity that they would have in Committee or the Chamber. This would severely limit candid discussion of matters if meetings were open to the general public.

The other area of disagreement I hold with the Committee's recommendations on this section is with regard to representation on the Board of Internal Economy by Opposition Parties. In order to more accurately reflect the results of each election, proportional representation of Opposition Parties should decide the number of elected Opposition Members sitting on the Board of Internal Economy.

### **Committees**

The Committee has done a tremendous amount of work in this area and offered a number of recommendations for consideration by the House. While I am in agreement with many of these recommendations there are some specific areas with which I take issue. These will be outlined as follows:

I commend the Committee on its efforts to streamline both Standing and Select Committees by reducing membership on both to eight Members. However, in order to accurately reflect the views of all Parties of this House and for the sake of continuity I feel that a minimum of two Members from each recognized Party should be represented on each Committee. Further, representation on each committee should continue to be proportional to each Party's representation in the House. This is only fair and just. Thus the number of eight may not be practical or realizable.

Unlike the Committee I am of the opinion that the four existing Policy Field Committees should be retained in their present form. These committees have proven to be efficient, effective, and understood in their present form, and altering their respective mandates would create unwarranted confusion. Government policy is reviewed with every Bill and special studies are the mandates of Select Committees and should remain so.

The Committee recommends the establishment of a separate Legislation Committee to examine each Bill. The reasoning behind this is that Bills would come before committees of interested and knowledgeable Members. Yet under the existing committee format this already occurs by the substitution of Members for individual Bills in question. This provides personal expertise for each Bill without formation of many temporary committees.

The Committee also recommends that a Finance and Economic Affairs Committee be established to which all Estimates would be referred. Yet while this would permit some Members to become experts in the field of Estimates, they could not be conversant with the overall goals and policies of all six ministries under scrutiny. This would be a net loss to the taxpayers of Ontario.

The Committee further recommends that each recognized Party would select two ministry Estimates for examination by the Finance and Economic Affairs Committee. I cannot in all sincerity condone this proposal. I feel adamantly that elected representatives of this Province should have the opportunity to have every ministry available for public scrutiny each year. Once the six ministries' Estimates were chosen in any particular year, the remaining ministries would be relieved of preparation for close scrutiny for at least one further year. Elected



Members, on behalf of the taxpayers of Ontario, would no longer have "hands-on" scrutiny of each ministry.

Finally, the six Opposition Days that the Committee recommends are assuredly not sufficient to meet the needs of the Members.

The Committee further recommends that a Government Agencies Committee should be established to review the operation of all Agencies, Boards and Commissions. As well, the Committee recommends the abolishment of the Members' Services Committee with its responsibilities to be transferred to the Procedural Affairs Committee. As both these committees are presently functioning efficiently and with Members who are comfortable and knowledgeable in their roles and familiar with the issues brought before them, any such changes would not produce the intended benefits. If anything, these proposed changes would be disruptive and harmful to a system which presently operates well.

The proposed Committee structure would minimize the need for Select Committees. I feel that this is dangerous. Select Committees are an integral part of the public awareness process and any attempts to lessen that process should be rejected.

The Committee's recommendation for the establishment of a Committees Branch within the Office of the Clerk for the purpose of staffing committees was originally made several years ago. Since that time Legislative Research Service has established a fine reputation for providing research and information for committees. The establishment of a new office for this purpose would be redundant and not cost-effective and I therefore oppose this proposal.

Finally, regarding the Committee's recommendations concerning Chairmanships of committees, I agree that these Chairmanships should be distributed in proportion to the representation of the recognized Parties in the House. However, I feel that the Committee should go further and recommend to the House that the Standing Orders state that the Chairman of Public Accounts Committee be chosen from the Official Opposition. This would recognize in the Standing Orders what has been tradition in the Legislative Assembly.



**Confidence Convention**

I disagree wholeheartedly with the recommendations made by the Committee with regard to matters of confidence. Acceptance of these recommendations would be a serious breach of parliamentary tradition. Changes of this nature would create a system of government which would have more in common with an American Congressional system than a British Parliamentary system. We must recognize and abide by the systems of government under which we operate, and under which we were all elected.



## APPENDIX "A"

## TERMS OF REFERENCE

That the following Standing Committees be established for this Session, with power to examine and inquire into all such matters as may be referred to them by the House, with power to send for persons, papers and things, as provided in section 35 of The Legislative Assembly Act: **Standing Committee on Procedural Affairs and Agencies, Boards and Commissions** - 11 members, with 4 from each of the Government and Official Opposition Parties and 3 from the Third Party, with the Committee appointed for this Parliament to review and report to the House its observations and opinions on the operation of the Standing Orders of the House and such additional matters as may be referred to it by the House or by Mr. Speaker from time to time;

And that the Committee also have the power to examine and report on the methods by which it believes appointments should be made to Agencies, Boards and Commissions to which the Lieutenant Governor in Council makes some or all of the appointments, and all corporations in which the Crown in right of Ontario is a majority shareholder;

And that the Committee also have the power to review the operation of all such Agencies, Boards and Commissions, with a view to reducing possible redundancy and overlapping.

## APPENDIX "B"

MEMBERS WHO HAVE CONTRIBUTED TO THE WORK OF THE  
PROCEDURAL AFFAIRS COMMITTEES ON  
REFORM OF THE STANDING ORDERS AND  
PROCEDURES OF THE HOUSE

MAURICE BOSSY  
MICHAEL BREAUGH  
BRIAN CHARLTON  
MICHAEL CASSIDY  
SAM L. CUREATZ, Q.C.  
MONTY DAVIDSON  
HUGH EDIGHOFFER  
HERBERT EPP  
MICKEY HENNESSY  
WILLIAM HODGSON  
JACK JOHNSON  
MORLEY KELLS  
GEORGE A. KERR, Q.C.  
JOHN LANE  
TONY LUPUSELLA  
ROBERT W. MACQUARRIE, Q.C.  
REMO MANCINI  
D. MARGARET MARLAND

ELIE W. MARTEL  
BRUCE McCAFFREY  
ROSS McCLELLAN  
ALLAN McLEAN  
RONALD K. McNEIL  
GILLES E. MORIN  
BERNARD NEWMAN  
ALAN M. ROBINSON  
DAVID ROTENBERG  
RUSSELL ROWE  
RICHARD RUSTON  
HOWARD SHEPPARD  
NORMAN W. STERLING, Q.C.  
GEORGE TAYLOR, Q.C.  
RICHARD L. TRELEAVEN, Q.C.  
NOBLE VILLENEUVE  
DAVID W. WARNER  
ANDY WATSON



















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